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JAMES J. DAVIS, Secretary

## BUREAU OF LABOR STATISTICS

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No. 330

LABOR LAWS OF THE UNITED STATES SERIES

## LABOR LEGISLATION OF 1922

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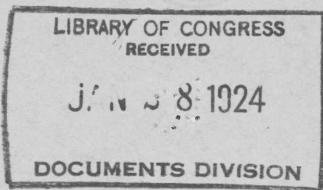
No. 330

LABOR LEGISLATION OF 1923

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# BULLETIN OF THE U. S. BUREAU OF LABOR STATISTICS.

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NO. 330

WASHINGTON

MAY, 1923

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## REVIEW OF LABOR LEGISLATION OF 1922.

BY LINDLEY D. CLARK.

### INTRODUCTION.

The legislatures of 11 States and the Philippine Islands, and Congress met in 1922 in regular session, besides three extra sessions; New York also met in extra session for the specific purpose of dealing with the marketing of coal. The amount of labor legislation was comparatively small, even taking into consideration the small number of bodies that met. Compensation amendments are not included in the present compilation, but are presented in a separate series. The basic bulletin for general labor legislation is number 148, with annual supplements beginning with 1914. These bear the numbers 166, 186, 213, 244, 257, 277, 292, and 308. Each bulletin carries a cumulative index, so that the entire material on any given subject may be referred to by the use of the index in the latest number issued.

Of the labor legislation presented in this bulletin, perhaps the most numerous changes are made in reference to the employment of children, though some important legislation relates to the organization of State departments of labor. Though few in actual numbers, there is a significance in the enactments modifying earlier legislation on the subject of train crews, the apparent current tendency being to do away with statutory numbers and leave the subject in the hands of a commission whose action can meet particular conditions.

### REGULATION OF CONTRACT OF EMPLOYMENT.

The prohibition of the use of stop watches, the devices for measuring production, as well as the offering of a bonus or cash reward to stimulate output, continues to be forbidden by the appropriation bills for the Army (No. 259) and the Navy (No. 264). Payment of wages to civilian employees out of Army funds is limited to the rates currently in use in the locality, and a preference is directed for the use of domestic productions. In this connection may be mentioned an act of the Massachusetts Legislature (ch. 517), which directs that where work is done by the State or a county, city or town, or by contractors therewith, preference is to be given to citizens or partnerships all of whose members are citizens, though this is not to extend to the acceptance of a higher bid than one made by nonresidents.

## EXAMINATION AND LICENSING OF WORKMEN.

Little was added in this field in 1922, the Massachusetts Legislature being chiefly active. This State increased the allowance of traveling expenses, etc., of plumbers' examiners from \$500 to \$750 per annum (ch. 481), an indirect encouragement of their activity; and directed by resolution (ch. 20) the registrar of motor vehicles to consider the advisability of establishing a system for licensing motor repairmen. Mention may also be made of a provision for a board of experts to test the competency of aviators (ch. 534); a license fee of \$5 is charged, annual renewals being of the same amount. A Kentucky statute (ch. 77) fixes places of holding examinations of mine foremen, etc., at least one examination each year to be held at each of the places mentioned. Chauffeurs are considered in a Philippine statute (No. 3045) which requires competency, an age of 16 years, and a fee of 5 pesos (\$2.50); renewals are to be made annually.

## WAGES.

An act of the South Carolina Legislature (No. 537) directs that the wages of textile employees working on the premises shall be paid during working hours. A different aspect of the wage question was considered by the same legislature in its repeal of No. 162, Acts of 1915, which forbade the giving of tips to waiters, barbers, train porters, etc. (No. 541). On the other hand, New Jersey (ch. 145) amended and strengthened its law on the subject of gifts or bribes to employees charged with representation of their employers, adding the proviso that if a corporation, partnership or other organization violates the statute the person or persons acting shall also be deemed guilty; one who first turns State's evidence giving testimony tending to convict another of guilt is to be allowed immunity.

A Kentucky statute (ch. 131), forbidding the use of trading stamps, included also the issue of coupons, tokens, etc., "in connection with work, services, or labor performed for reward or compensation." It was attacked as a trading-stamp law, and declared unconstitutional in its entirety. (*Lawton v. Stewart Dry Goods Co.*, 247 S. W. 14).

A Virginia statute (ch. 268) authorizes the payment of wages due a deceased workman in amount not exceeding \$300, to be paid to the next of kin without administration.

The Federal bankruptcy law, as amended (No. 121), provides that wages earned within three months prior to the bankruptcy and employees' deposits to secure faithful performance are not discharged by a release in bankruptcy.

Several laws were passed relative to mechanics' liens, one in Mississippi (ch. 282) extending the time within which sawmill employees may begin action for enforcement from three months to six months. A provision of the South Carolina law relative to the sale of property left at a shop for repairs was amended by Act No. 523, while another act (No. 526) adds the boring and equipping of wells to the kinds of work for which a lien may be given. Two amendments were made to the Virginia law, one (ch. 9) relating to the rights of employees of transportation companies and the other (ch. 498) to payments for work or material for the construction, removal, repair, or improvement of buildings. Instead of a mech-

anic's lien, an act of the Louisiana Legislature (No. 139) directs that contracts for buildings, etc., be recorded and that a bond be given and recorded, conditioned on the payment of all subcontractors, workmen and material men.

### HOURS OF LABOR.

The only substantial change in this field was made by the South Carolina Legislature (No. 567), fixing the maximum hours of labor per week in textile mills at 55 instead of 60. The hours per day (10) are unchanged, and the statute also provides that employers may make up as much as 60 hours per year of lost time. A Kentucky statute (ch. 31) penalizes any employer who adopts for his workmen daylight saving or any other time than standard central time unless adopted by State authorities. Mention may be made, though not related to employees, of a Mississippi statute (ch. 242) which fixes eight hours as a day's work for working out poll tax on public roads.

### HOLIDAYS AND REST DAYS.

Virginia (ch. 21) was the only State to follow the example of a considerable number of States which have adopted November 11, Armistice Day, as a legal holiday.

A law of Massachusetts (ch. 234) directs that scrubwomen employed by the State be allowed two weeks per annum as vacation after six months of employment.

## HYGIENE AND SAFETY.

### FACTORIES.

Few laws appear under this heading this year. One of Kentucky (ch. 125) relates to dry-cleaning and dyeing establishments, and is unusually detailed in a field not much developed. It is chiefly a fire-prevention statute, practically no reference being made to the subject of employment conditions. Another law is likewise a border-line statute, being an act of the Maryland Legislature (ch. 120) providing for the regulation of soft-drink factories. Here the chief concern is the health of the public; but some provisions, as sanitation, the prohibition of the employment of diseased persons, etc., affect employees. See also under Bureaus of Labor (Va., ch. 373).

### MINES.

Apart from the provision for the examination of mine foremen, under another head, the only law affecting mines was passed in Maryland (ch. 307). This is a full code with standard provisions as to ventilation, safety, first aid, qualifications of bosses and inspectors, etc., superseding and repealing existing laws covering mining operations in the State.

### RAILROADS.

The New York law on the subject of the inspection of locomotives was materially amended (ch. 601), details as to inspection, the construction of boilers, and the appointment of inspectors being

touched upon. Another act (ch. 336) repeats the customary postponement of the date when the law regulating the construction of coal jimmies and caboose cars shall become operative, the date being set by this statute as July 1, 1923.

The Maryland statute prescribing specific train crews was repealed by chapter 143, and the public service commission of the State is given power to prescribe suitable crews for trains either on complaint or on its own motion. The New Jersey Legislature had previously taken similar action, but left standing a section of the law which forbade reduction in the numbers as fixed by the old act unless the board of public utility commissioners should authorize the change. The present statute (ch. 270) repeals this section.

#### EMPLOYEES ON BUILDINGS.

A single enactment under this heading weakens rather than strengthens the protection afforded by the law amended. An act of the New York Legislature prohibited the hoisting of material on the outside of certain buildings. This prohibition is now restricted to "lumber or timber," so that other material may now be hoisted external to the structure (ch. 1).

#### CHILDREN AND WOMEN.

The most important piece of legislation under this heading is the enactment of a complete new code in Virginia (ch. 489). Previous laws on the subject are repealed, the present statute undertaking to present a complete body of law on the subject. The age for beginning work is fixed at 14 years for any gainful occupation except in farm, orchard, or garden work. Children under 16 may not work more than 8 hours per day or 48 hours per week nor between 6 p. m. and 7 a. m. Children under 16 must have a certificate, issue of which is regulated according to the standard methods. An exception is made as to work in canneries, in which children from 12 to 16 may be employed eight hours daily outside of the school term. Special legislation as to dangerous occupations, messenger service, and street trades is embodied. Another statute (ch. 381) makes school attendance compulsory to 14 years instead of 12 as formerly, but contains a provision exempting any child who has completed an elementary course of study and is regularly and lawfully employed. An unusual law making it a misdemeanor to endanger life or health or morals or overwork or treat cruelly any child was also passed by this legislature (ch. 284).

A Louisiana law (No. 117) on the subject of school attendance requires children from 7 to 14 to attend a full term or 140 days, but exempts needy widows' children. In Rhode Island (ch. 2232) employment certificates will be issued only on a showing that the child has completed six grades of school; while in New York (ch. 464) the law as to the employer filing employment certificates, prescribing penalties for violations, and the issuing of various classes of certificates is amended in several details. An act of Maryland (ch. 350) advances from 50 cents to \$1 the fee for the physical examination of the child applying for a work certificate, and authorizes the bureau of labor statistics to exercise a vocational supervision of children up to the age of 18 years.

A Massachusetts statute providing for the establishment of continuation schools for employed children was amended so as to permit the discontinuance of such schools if the number of eligible children in the locality falls below 200 for two consecutive years (ch. 401).

### EMPLOYMENT OFFICES.

A single statute appears under this heading, being an appropriation by Congress of \$225,000 to enable the United States Secretary of Labor to establish a national system for clearing labor between the States and coordinating public employment offices throughout the country (No. 183).

### BUREAUS OF LABOR.

In Maryland (ch. 29) and New Jersey (ch. 252) there was a general reorganization of the offices administering the labor legislation of the States, the change in Maryland taking place in connection with a general reorganization of the State executive and administrative departments; while in New Jersey the act relates exclusively to the department of labor. In both States considerable changes are effected in the grouping and assignment of the various activities of the offices. The United States Department of Labor received a second assistant secretary of labor by the provisions of Act No. 260; while in Massachusetts (ch. 537) the industrial accident board was enlarged to consist of seven members, one of whom is required by the law to be a woman.

The commissioner of labor of Rhode Island (ch. 2160) is authorized to expend \$5,000 per annum instead of \$3,000, as formerly, in the performance of the duties devolving upon him.

Extensive amendments were made in the law of Virginia relating to the powers of the commissioner of labor as to inspection, law enforcement, etc. (ch. 373). The provisions of the Code of 1919 relative to seats for female employees, blacklisting, toilets, safety appliances, and lighting were also amended.

### MOTHERS' PENSIONS.

Statutes under this head are only indirectly connected with the question of labor, but are enumerated because of the relationship that does exist. In Massachusetts (ch. 376) aid may be extended to mothers of children under 16 years of age if the child is required by law to attend school and his assistance is needed. A New York law (ch. 546) adds a new article to chapter 24 of the Consolidated Laws, establishing boards of child welfare in counties whose supervisors take the necessary steps in favor of such action; this law applies outside the city of New York and of Dutchess and Suffolk Counties. Virginia (ch. 488) authorizes an allowance by county or city boards of public welfare, or by juvenile courts, domestic relations courts, or other courts for the aid of mothers of children under 16 years of age, if the father is dead, imprisoned, or disabled.

Other legislation that may be mentioned under this head is a law of Rhode Island (ch. 2180) providing for a State director of mothers' aid to look after the needs of mothers with children under 14 years of

age; and a joint resolution (No. 9) of the Maryland Legislature accepting the provisions of the Federal statute of 1921 relative to cooperation between State and Federal agencies in the matter of maternity aid.

### RETIREMENT PROVISIONS.

The laws under this head relate entirely to public employment, but are indicative of a steady if slow growth of the idea. An amendment (ch. 341) of a Massachusetts law provides for the computation of board and housing furnished to State employees as a part of the basic wage for reckoning retirement allowances. Another act (ch. 521) relates to public employees of the city of Boston or of Suffolk County; a cooperative fund to which employees contribute 4 per cent of their wages is established; retirement is made optional at 60 and compulsory at 70, the annuity not to exceed one-half the pay for the average for the last five years of service. Provisions are also made for disability.

A New Jersey statute (ch. 127) relates to the retirement of county employees only if incapacitated, allowing an annuity of one-half the last year's pay if 60 years of age after 30 years of service.

Two acts of the New York Legislature bear on this subject, one (ch. 591) permitting certain county and city employees to join the State retirement association; while the other (ch. 592) amends the State law as to scope, contributions from wages, restoration after retirement, etc.

The Federal statute providing for the retirement of civil service employees received attention in four separate acts, one (No. 142) relating merely to procedure in the departments, the keeping of records, etc.; the second (No. 182) lays down the construction to be placed upon the original act, declaring that it covers all employees in the classes affected, whether the position was obtained by competitive examination, Executive order, or otherwise. The third enactment (No. 243) relates to charwomen, laborers, and others, classified or unclassified, who are paid less than \$600 per annum. Their retirement allowance is to be computed on a percentage basis, and shall not exceed the percentage nor the maximum provided for the term of service. The fourth act (No. 363) provides for workmen who are discharged without fault. If these are 55 years of age they may receive an annuity certificate which will mature at the retiring age for their class; or they may receive an annuity at once scaled down according to the number of years intervening until the retirement age.

### EMPLOYERS' LIABILITY.

A Massachusetts statute (ch. 215) forbids waivers by any contract or agreement where an employer may be liable for injuries to his workmen. A Mississippi statute (ch. 229) amends section 721 of the Code of 1906, which provides for actions for injuries causing death. This act provided for a survival of action in fatal cases where the deceased, if the injury had not been fatal, would have been entitled to sue. This act makes that provision of law applicable to employees and prescribes the distribution of the amount required.

**ACCIDENT, ETC., INSURANCE.**

An act of the New York Legislature (ch. 108) amends the law on the subject of insurance of employees, authorizing a collective policy by which an employee may insure a group of workmen. A second statute (ch. 286) amends the same law, exempting employers' liability and workmen's compensation policies and blanket company or association policies from the conditions fixed for accident and health policies generally.

**VOCATIONAL REHABILITATION.**

A number of States accepted the Federal statute of 1920, providing State and Federal cooperation in the matter of the rehabilitation of persons injured in industry or otherwise. Such action was taken in Kentucky (ch. 66), Louisiana (No. 125), Mississippi (ch. 189), and Virginia (ch. 516). Kentucky makes a specific appropriation, Louisiana engages to comply with the requirements of the law, Mississippi engages to make an appropriation at least equal to the Federal allotment, and Virginia simply accepts the statute, directing the State board on vocational education to act.

**LABOR ORGANIZATIONS AND LABOR DISPUTES.**

A Massachusetts law (ch. 151) provides that the filing of certificates, insignia, badges, etc., of labor and other similar organizations shall be effective as a recording of such instruments or insignia. An act of the Virginia Legislature (ch. 17) strikes out the specific penalty for the unauthorized use of insignia, badges, etc., as defined in section 4719 of the Code, leaving such violations simply as misdemeanors subject to the general penalty.

A South Carolina statute (No. 589) makes arbitration obligatory on both parties of a labor dispute on the request of either one, the statute being restricted to street-railway service. Appeals are allowed to the court on questions of law and fact, but if none are taken the award is binding on all parties. The United States Board of Mediation and Conciliation, created by an act of 1913, while not abolished was practically superseded by the transportation act of 1920, creating a railroad labor board. By an act of the present Congress (No. 109) the earlier board was abolished as of December 1, 1921.

Criminal syndicalism laws of recent years have been rather frequent, but 1922 saw but one such act. This was in Kentucky (ch. 20), where, however, the law is only political in its aspect and contains no industrial or labor reference.

**STATE AND INDUSTRIAL POLICE.**

The laws of Massachusetts and New Jersey on the subject of State police were amended in the direction of an increase of force. In Massachusetts (ch. 331) the number of men that may be employed was increased; while in New Jersey (ch. 271) the force is organized in three groups instead of two, with corresponding changes in staff. The New Jersey law authorizing the designation of certain persons as railroad, etc., police, to be paid by the designating corporation,

was amended (ch. 153) by striking out the limitation that required such appointees to be ratified by the officers of cities of the first and second class before such officers could act within the city limits, thus considerably enlarging the authority of such persons.

### COOPERATIVE ASSOCIATIONS.

As indicative of the interest taken in the solution of the problem of the cost of living as affected by distribution, mention may be made of the statutes providing for cooperative associations. The Kentucky Legislature provided (ch. 1) for the organization of such bodies for the marketing of farm products; while another act (ch. 109) permits foreign associations of substantially the same purposes and methods to use the title "cooperative" with the meaning determined by the State law. The Maryland statute (ch. 197) authorizes associations for the purpose of producing and marketing farm products, with power to buy and sell for their members. In New Jersey also (ch. 11) an amendment to the Act of 1920 relates to the power of agricultural, horticultural, dairying, etc., associations to buy and sell, providing that they may also act in this respect for nonmembers. Amendments to the New York law relate to methods of voting by members (chs. 447, 448); while the Virginia statute (ch. 48) authorizes five or more persons engaged in the production of farm products to form cooperative associations for marketing.

### CIVIL RIGHTS OF EMPLOYEES.

The law of South Carolina relating to the State militia (No. 501) contains provisions forbidding employers to discriminate against members of the State militia; a like inhibition is directed to clubs, associations, etc., in regard to receiving such persons into membership.

The Philippine Legislature (No. 3030) amended the earlier law on the subject of the protection of employees as voters, relative to threats of loss of employment or pay or promise of employment or pay, making such acts misdemeanors if committed in connection with "any forthcoming election." The New York election law (ch. 588) provides in section 200 that two hours shall be allowed as voting time for employees, and if advance notice has been given, no reduction of wages may be made for two consecutive hours' absence. The same act provides for voting by persons absent from their homes, permitting voting anywhere within the United States upon complying with the prescribed formalities. The Virginia law (ch. 505) provides for voting anywhere either within or without the United States through an American consulate or through official channels from members of the Army and Navy. A Minnesota law (ch. 256), while making the absent voters' provision applicable to all elections, is restricted to voting within the State.

### CONVICT LABOR.

In Kentucky (ch. 34) convicts may not be employed outside the penitentiary, except in quarrying or mining road material and on State farms in the production of food for the inmates of the particular

institution in which convicts are confined. The Virginia Legislature finds that road work is not suitable for certain classes of convicts and provides (ch. 6) that such convicts may be employed on farms, quarries, and in prison shops, etc.

### INVESTIGATIVE COMMISSIONS.

Massachusetts leads in the number of investigative commissions on various subjects of industrial and economic interest. Its existing commission on "the necessaries of life" had its term extended to May 1, 1923 (ch. 343). By a resolution of May 12, 1922 (ch. 34), this commission was authorized to investigate the subject of the production of meat. A commission on unemployment and the minimum-wage law was created (resolves, ch. 43). Two members of the Senate, four of the House, and three other persons appointed from the outside were to consider the problem of unemployment and make recommendations; also to study the workings of the minimum-wage law of the State and report on the desirability of a mandatory act. There was also a commission created on the subject of aiding the physically handicapped other than blind persons (resolves, ch. 52). The subject of relief and not of rehabilitation was to be considered.

The United States Congress, impelled by the economic results of the coal strike, appointed a commission of seven members to investigate costs, working conditions, causes of strikes, etc., in the coal industry (No. 347). Each member is given a salary of \$7,500, the life of the commission being limited to one year. The sum of \$200,000 was provided for the hiring of experts and other expenses, and recommendations are to be made as to standardizing mines, cost of living, cost of production and distribution, the regulation of the industry, etc.



# LAWS OF VARIOUS STATES RELATING TO LABOR ENACTED SINCE JANUARY 1, 1922.

## KENTUCKY.

### ACTS OF 1922.

#### CHAPTER 31.—*Hours of labor—Daylight saving.*

SECTION 1. On and after the passage and approval of this act, it shall be unlawful in this Commonwealth for any person, firm or corporation employing others, to adopt or establish or use in connection with such employment of others, any daylight saving or other standard of time, other than the standard central time of the United States, in any city of the first class. Daylight saving forbidden.

SEC. 2. Any person, firm or corporation violating section 1 of this act shall be guilty of a misdemeanor, and shall upon conviction thereof, be fined in any sum of not less than fifty or more than five hundred dollars for each offense. Penalty.

SEC. 3. Section 1 of this act shall not apply or be effective during any period of time wherein the governor of this Commonwealth shall by proclamation designate for such period any other standard of time to be observed, other than the standard central time of the United States. Exception.

Approved March 21, 1922.

#### CHAPTER 66.—*Vocational rehabilitation—State and Federal cooperation.*

[This act accepts the provisions of the act of Congress of June 2, 1920, on the subject of the rehabilitation of persons injured in industry or otherwise, directs the State board on vocational education to act also in this capacity, and makes the necessary appropriation.]

#### CHAPTER 77.—*Examinations for mine foremen, etc.*

[SECTION 1]. The board of examiners for the examination of applicants for certificates of qualification to serve as mine foremen, and as fire boss in coal mines, and for the examination of candidates for the position of assistant inspector of mines shall hold at least one regular meeting or session each year for examination of said applicants and candidates at the following places: Paintsville, Johnson County, Kentucky; Pineville, Bell County, Kentucky; Lexington, Fayette County, Kentucky; Madisonville, Hopkins County, Kentucky. Time and place.

The chairman of the board of examiners shall have authority to call special meetings to be held at any of the above-named places whenever there shall be necessity therefor. Notice of time and place shall be given thirty days in advance of all meetings for examinations.

Approved March 23, 1922.



## LOUISIANA.

### ACTS OF 1922.

#### Act No. 117.—*Employment of children—School attendance.*

SECTION 1. Every parent, guardian or other person residing within the State of Louisiana having control or charge of any child or children between the ages of seven and fourteen years both inclusive, shall send such child or children to a public or private day school under such penalty for noncompliance herewith as is hereinafter provided.

SEC. 2. The minimum session of attendance required under this act shall be one hundred forty days or for the full session of the public schools where the public school session is one hundred forty days or less.

SEC. 3. The following classes of children between the ages of seven and fourteen years shall be exempted from the provisions of this act, the parish school board to be sole judge in all such cases; \* \* \*

(e) Children whose services are needed to support widowed mothers.

Approved July 13, 1922.

Scope.

Minimum term.

Exemptions.

#### Act No. 125.—*Vocational rehabilitation—State and Federal cooperation.*

[This act accepts the provisions of the Federal act of June 2, 1920, without appropriation, but engages to "observe and comply with all requirements of said act."]

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**MARYLAND.**

**ACTS OF 1922.**

**CHAPTER 29.—*State labor officials.***

**PART I.**

SECTION 1. The executive and administrative departments, boards and commissions of the State Government are hereby created or recognized and continued as follows: Boards, etc.

\* \* \* \* \*

XIV. The State industrial accident commission.

\* \* \* \* \*

XV. The commissioner of labor and statistics.

\* \* \* \* \*

XVI. The department of State employment and registration. \*

**PART II.**

**XIV.**

SECTION 1. The State industrial accident commission, constituted and organized as at present, and having and exercising the rights, powers, duties, obligations and functions now or hereafter conferred by law, shall constitute a separate department of the State Government. Industrial accident commission.

**XV.**

SECTION 1. The terms of office of the members of the State board of labor and statistics shall continue or be extended, as the case may be, until the taking effect of this act, whereupon the same shall cease and be at an end and the said board shall be and stand abolished. Board abolished.

SEC. 2. On the taking effect of this act, section 1 of article 89 of the Annotated Code, Volume IV, title "Statistics and Information as to Branches of Industry," is hereby repealed and reenacted with amendments, so as to read as follows: Law amended.

1. The office of commissioner of labor and statistics is hereby created. The term of office of said commissioner shall be two years, and until his successor shall be appointed and shall have qualified, said term beginning on the first Monday of May succeeding his appointment, except that the commissioner first appointed under this act shall be appointed on the taking effect of this act and hold office until the first Monday of May, 1924, and until his successor shall qualify. Any vacancy shall be filled by the governor for the unexpired term. The governor may at any time remove the commissioner from office for inefficiency, neglect of duty or malfeasance in office. The salary of the commissioner shall be \$3,000 per annum. The said commissioner shall be allowed for actual and necessary expenses incurred in the discharge of his duties. Commissioner of labor and industrial statistics.

The commissioner of labor and statistics is authorized and empowered to appoint or employ such deputies, inspectors, assistants and employees of every kind as may be necessary for the performance of the duties now or hereafter imposed upon him by this or any other law: *Provided, however,* That such appointments and employments, and the compensation to be allowed therefor, shall in each and every case be subject to the approval of the governor. Staff.

SEC. 3. On the taking effect of this act, all the rights, powers, duties, obligations and functions of the State board of labor and statistics, under any provisions of law, including all the powers and duties transferred to and imposed and devolved upon said board by the Acts of 1916, Chapter 406, shall be transferred to and thereafter be exercised and performed by the said commissioner of labor and statistics, who shall be the lawful successor of the said State board of labor and statistics to the same extent as if the said commissioner had been named in said provisions of law as the official upon whom the said rights, powers, duties, obligations and functions were conferred. Transfer of powers.

## XVI.

Department of employment, etc. **SECTION 1.** The Department of State Employment and Registration is hereby established. \* \* \*

How constituted. **SEC. 2.** The following boards and agencies shall be assigned to the department of employment and registration.

\* \* \* \* \* State board of barber examiners.

\* \* \* \* \* Board of examining engineers.

\* \* \* \* \* Board of electrical examiners and supervisors.

\* \* \* \* \* Board of examiners of horseshoers.

\* \* \* \* \* \*

\* \* \* \* \* State board of commissioners of practical plumbing.

\* \* \* \* \* \*

Approved March 1, 1922.

**CHAPTER 120.—Inspection and regulation of factories, etc.—Soft drinks.**

[This chapter adds several sections to Article 43 of the Annotated Code. The provisions relating to workmen are as follows:]

**SECTION 150C.**

\* \* \* \* \* (a) Every building, room, basement or cellar, occupied or used for the preparation for sale, manufacture, packing, storage, sale or distribution of any drink products shall be properly lighted, drained, plumbed and ventilated and conducted with due regard for the purity and wholesomeness of the products therein produced, and with strict regard to the influence of such conditions upon the health of the operatives, employees, clerks, or other persons therein employed. \* \* \*

Sanitation.

(i) The clothing of operatives, employees, clerks or other persons must be clean.

Clothing.

(i) No employer shall knowingly permit, require or suffer any person to work in a bottling establishment who is afflicted with any contagious or infectious disease, or with any skin disease.

Diseased persons.

Approved March 13, 1922.

**CHAPTER 143.—Railroads—Sufficient crews for trains.**

[This act repeals the "full crew law" (art. 23, secs. 331-335), and enacts the following as a section of the same article.]

Powers of public service commission.

**SECTION 435C.** Whenever the [public service] commission shall be of the opinion, after a hearing upon its own motion, or upon a complaint made as provided in this subtitle, that any railroad company operates or intends to operate in Maryland, any freight train or trains, without employing thereon a sufficient number of men for the safe and efficient operation of said train or trains, the commission may order or require such railroad company to employ such a number of men upon any of its freight trains, operated or to be operated in the State of Maryland, as in the judgment of the commission is requisite for the safe and efficient operation thereof; any such order to be enforceable or reviewable as provided in this subtitle for the enforcement and review of other orders of the commission.

Approved April 13, 1922.

**CHAPTER 307.—Mine regulations.**

New code.

[This act repeals prior legislation and enacts a full code for the regulation of work in coal mines. A bureau of mines is created in the State board of labor and statistics, charged with the duty of enforcing all laws enacted for the health and safety of the workers and the preservation of property. The act is extensive and embodies standard provisions on ventilation, lighting, exits, first-aid, weighing coal, the qualifications of bosses and inspectors, etc.]

CHAPTER 350.—*Employment of children—Certificates.*

[This act amends secs. 36A and 47 of art. 100, Annotated Code, so as to read as follows:]

SECTION 36A (as amended by ch. 350, acts of 1922). The State board of labor and statistics shall have the discretion of issuing temporary permits to children over 14 years of age, who are mentally retarded and are unable to make further advancement at school, upon the written recommendation of the superintendent of education, of the city of Baltimore or any county in the State, as the case may be; and said State board of labor and statistics may exercise vocational supervision over such children until they reach the age of 18 years.

Subnormal children.

SEC. 47 (as amended by ch. 350, acts of 1922). No fee shall be charged or collected from any minor, or from his parents, guardian, legal custodian or next friend for any services rendered by the bureau of labor and statistics, or by any school, or other officer issuing a permit, or for any school certificate or physician's certificate issued under the provisions of this act; but in the counties the physician or physicians designated by the superintendent of schools for each county shall be entitled to receive a fee of one dollar for each physician's certificate issued by him under the provisions of this article, said sum to be paid by the bureau of labor and statistics on the warrant of the superintendent of schools of said county.

Fees.

Approved April 13, 1922.



## MASSACHUSETTS.

### ACTS OF 1922.

#### CHAPTER 151.—*Labor organizations—Badges, buttons, etc.*

SECTION 1. Chapter four of the General Laws is hereby amended by inserting after section seven the following new section:

Sec. 7A. The certificates, articles of organization and amendment and affidavits relating to corporations, labels [sic] and limited partnerships, and to the insignia, ribbons, badges, rosettes, buttons and emblems of any society, association or labor union, required by law to be filed and recorded in the office of the state secretary shall by the act of filing be deemed and taken to be recorded within the meaning of the statute requiring such record to be made, and when so filed shall be preserved in form convenient for reference.

Effect of filing.

Approved March 16, 1922.

#### CHAPTER 196.—*Department of labor and industries.*

SECTION 1. Section four of chapter twenty-three of the General Laws, as amended by section three of chapter three hundred and six of the acts of nineteen hundred and twenty-one is hereby further amended \* \* \* so as to read as follows:

Sec. 4. The commissioner, assistant commissioner and associate commissioners may, with the approval of the governor and council, appoint, and fix the salaries of, not more than five directors, and may, with like approval, remove them. One of them, to be known as the director of standards, shall have charge of the division of standards, and each of the others shall be assigned to take charge of a division. The commissioner may employ, for periods not exceeding ninety days, such experts as may be necessary to assist the department in the performance of any duty imposed upon it by law, and such employment shall be exempt from chapter thirty-one. Except as otherwise provided in section eleven, the commissioner may employ and remove such inspectors, investigators, clerks and other assistants as the work of the department may require, and fix their compensation. Four inspectors shall be men who, before their employment as such, have had at least three years' experience as building construction workmen. The commissioner may require that certain inspectors in the department, not more than seven in number, shall be persons qualified by training and experience in matters relating to health and sanitation. The commissioner may employ temporarily, from time to time, such persons to act as surveyors of lumber as he may find necessary for making the surveys applied for, and such employment shall be exempt from chapter thirty-one. He may fix their compensation and, subject to his approval, they may be allowed reasonable expenses incurred in the performance of their official duties.

Appointees.

Approved March 24, 1922.

#### CHAPTER 215.—*Liability of employers for injuries to employees—Waivers.*

SECTION 1. Chapter one hundred and forty-nine of the General Laws is hereby amended by inserting after section one hundred and seventy-seven the following new section:

Sec. 177A. No person shall, by a special contract with his employees, exempt himself from liability which he may be under to them for injuries suffered by them in their employment and resulting from the negligence of the employer or of a person in his employ.

Waivers for bidden.

Approved March 31, 1922.

CHAPTER 401.—*Employed children—Continuation schools.*

**SECTION 1.** Section twenty-one of chapter seventy-one of the General Laws is hereby amended \* \* \* so as to read as follows:

Schools to be established.

SEC. 21. Every town which has accepted chapter three hundred and eleven of the General Acts of nineteen hundred and nineteen, and in which, in any year, two hundred or more minors under sixteen are employed not less than six hours per day by authority of employment certificates or home permits described in section one of chapter seventy-six, exclusive of minors employed only during vacations, shall, except as otherwise provided in this section, and any other town which has accepted said chapter, may, through its school committee, local board of trustees for vocational education, or both, establish at the beginning of the next school year and maintain continuation schools or courses of instruction for the education of such minors, and for such others as may be required to attend under section twenty-five. The said schools or courses shall be in session the same number of weeks in each year as the local high schools, and the sessions shall be between the hours of eight in the morning and five in the afternoon of any working days except Saturday. If in a town required to establish continuation schools or courses under this section, after examination of the records required to be kept under sections eighty-six and eighty-nine of chapter one hundred and forty-nine, it appears that in each of two consecutive years the number of employed minors described above falls below two hundred, the school committee of said town may apply to the department for exemption from the provisions of this section, and, if specifically exempted by the department under conditions defined by it, said town shall be deemed to have come under the permissive provisions of this section and shall so remain until two hundred or more such minors in any year are employed therein.

Approved May 11, 1922.

CHAPTER 517.—*Preference of citizens on public works.*

**SECTION 1.** Chapter one hundred and forty-nine of the General Laws is hereby amended by inserting after section one hundred and seventy-nine the following new section:

Preference required.

SEC. 179A. In the awarding of contracts for public work by the commonwealth or by a county, city or town or by persons contracting therewith to do such work, preference shall be given to persons who are citizens of the United States and to partnerships, all of whose members are such citizens. Any person who knowingly and willfully violates this section shall be punished by a fine of not more than two hundred dollars. Nothing in this section shall require the acceptance of a higher bid in preference to a lower bid.

Approved June 8, 1922.

CHAPTER 537.—*Industrial accident board.*

**SECTION 1.** Section two of chapter twenty-four of the General Laws is hereby amended \* \* \* so as to read as follows:

Membership.

SEC. 2. The industrial accident board shall consist of seven members, one of whom shall be a woman, at salaries of five thousand dollars each, except that the chairman, who shall be designated by the governor, shall receive a salary of fifty-five hundred dollars. Upon the expiration of the term of office of a member, his successor shall be appointed for five years by the governor, with the advice and consent of the council. The members shall devote their whole time in business hours to the work of the board.

Approved June 13, 1922.

## RESOLVES.

CHAPTER 43.—*Commission on unemployment and minimum-wage law.*

Commission established.

An unpaid special commission is hereby established, to consist of two members of the senate to be designated by the president, four members of the house of representatives to be designated by the speaker, and three other persons not members of the general court to

be appointed by the governor with the advice and consent of the council, which shall investigate unemployment in Massachusetts and the extent, nature and causes thereof, and what measures may be taken, either through legislation, community effort, private initiative, or otherwise; (a) toward decreasing unemployment by removing so far as possible seasonal fluctuations, by checking overexpansion and consequent contraction and depression, by establishing reserves from the profits of normal times for the stabilization of industry, or otherwise; (b) toward helping those seeking employment to find employment by extending the free employment service, by coordinating local agencies, or otherwise; and (c) toward providing relief by insurance, by advance planning and reserving of public works for periods of unemployment, or otherwise, for those who are involuntarily unemployed.

Duties.

The commission shall also investigate the question of the operation and administration of the minimum-wage law, and its effect on the industries and on the employees in the industries for which minimum wages have been established or may be established under the law, and whether mandatory effect should be given to the decisions of the wage board or the law should be otherwise extended, amended or repealed, and it shall investigate particularly the subject matter of house documents one hundred and eleven, one hundred and twelve and seven hundred and seventy-eight, and senate documents two hundred and sixty, two hundred and sixty-one and two hundred and seventy-eight of the current year.

Cooperation.

The departments of industrial accidents, of labor and industries and of banking and insurance are authorized and directed to cooperate with the commission in every way feasible, in carrying out the purposes of this resolve.

Report.

The commission shall report its findings, with such recommendations and drafts for such legislation as it may deem expedient, to the next annual session of the general court, by filing the same with the clerk of the house of representatives on or before the second Wednesday of January, nineteen hundred and twenty-three. Upon the filing of such report the existence of the commission shall terminate. The commission shall be furnished with rooms in the state house, and shall hold public hearings.

Expenses.

The commission may incur such reasonable expenses, including such sums for traveling, clerical and other assistance, as may be approved by the governor and council, not exceeding such sum as the general court may appropriate; provided, that the members of the commission shall not receive reimbursement except for expenses actually incurred in the discharge of their duties.

Approved June 2, 1922.



## MISSISSIPPI.

### ACTS OF 1922.

#### CHAPTER 189.—*Vocational rehabilitation—State and Federal cooperation.*

[This act accepts the provisions of the Federal law of 1920, makes the vocational education board under the Federal statute of 1917 the administrative board, and provides that the State shall appropriate sums at least equal to the Federal allotment.]

Act accepted.

#### CHAPTER 229.—*Actions for injuries causing death—Employers' liability.*

SECTION 1. Section 721 of the code of Mississippi, 1906 \* \* \* is hereby amended so as to read as follows:

Whenever the death of any person shall be caused by any real wrongful or negligent act, or omission, or by such unsafe machinery, way or appliances as would, if death had not ensued, have entitled the party injured, or damaged thereby to maintain an action and recover damages in respect thereof, and such deceased persons shall have left a widow or children, or both, or husband, or father, or mother or sister, or brother, the person or corporation, or both that would have been liable if death had not ensued, and the representatives of such person shall be liable for damages, notwithstanding the death, and the fact that death was instantaneous shall, in no case affect the right of recovery. The action for such damages may be brought in the name of the personal representative of the deceased person, for the benefit of all persons entitled under the law to recover or by the widow, for the death of her husband, or by the husband for the death of the wife, or by the parent for the death of a child, or in the name of a child for the death of a parent[,] or by a brother for the death of a sister, or by a sister for the death of a brother, or by a sister for the death of a sister, or a brother for the death of a brother, or all parties interested may join in the suit, and there shall be but one suit for the same death which shall ensue for the benefit of all parties concerned, but the determination of such suit shall not bar another action unless it be decided on its merits. In such action the party or parties suing shall recover such damages as the jury may determine to be just, taking into consideration all the damages of every kind to the decedent and all damages of every kind to any and all parties interested in the suit.

When action may be brought.

This section shall apply to all personal injuries of servants and employees received in the service of [or] business of the master or employer, where such injuries result in death. Damages recovered under the provisions of this section shall not be subject to the payment of the debts or liabilities of the deceased, except as hereinafter provided, and such damages shall be distributed as follows:

For whose benefit.

Damages for the injury and death of a married man shall be equally distributed to his wife and children, and if he has no children all shall go to his wife; damages for the injury and death of a married woman shall be equally distributed to the husband and children, and if she has no children all shall go to the husband; and if the deceased has no husband or wife the damages shall be equally distributed to the children; if the deceased has no husband, nor wife, nor children, the damages shall be distributed equally to the father, mother, brothers and sisters, or such of them as the deceased may have living at his or her death. If the deceased have neither husband, nor wife, nor children, nor father, nor mother, nor sister, nor brother, then the damages shall go to the legal representative, subject to debts and general distribution, and the fact that the deceased was instantly killed shall not affect the

Employees.

Distribution of damages.

right of the legal representative to recover. The provisions of this section shall apply to illegitimate children on account of the death of the mother and to the mother on account of the death of an illegitimate child or children, and they shall have all the benefits, rights and remedies conferred by this section on legitimates.

If the deceased be illegitimate and shall leave neither mother, child nor lawful heirs, then all the provisions of this section shall extend and apply to the legal representatives, and the other natural blood relatives of deceased the same as if they were his legitimate relatives and heirs, excepting his father and his father's relatives, unless they be full brothers or sisters of deceased. or their heirs.

Approved April 8, 1922.

## NEW JERSEY.

### ACTS OF 1922.

#### CHAPTER 145.—*Bribery of employees.*

SECTION 1. Section one of the act to which this act is an amendment [sec. 212e, p. 1810, Comp. Stat.] is hereby amended to read as follows:

1. Corrupt influencing of agents, employees or servants:

Whoever gives, offers or promises to an agent, employee or servant, any gift or gratuity whatever, without the knowledge and consent of the principal, employer or master of such agent, employee or servant, with intent to influence his action in relation to his principal's, employer's or master's business; or an agent, employee or servant who, without the knowledge and consent of his principal, employer or master, requests or accepts a gift or gratuity or a promise to make a gift, or to do an act beneficial to himself, under an agreement, or with an understanding that he shall act in any particular manner to his principal's, employer's or master's business; or an agent, employee or servant who, being authorized to procure materials, supplies or other articles, either by purchase or contract for his principal, employer or master, or to employ service or labor for his principal, employer or master, receives directly or indirectly, for himself or for another, a commission, discount or bonus, from the person who makes such sale or contract, or furnishes such material, supplies or other articles, or from a person who renders such service or labor, and any person who gives or offers such an agent, employee or servant such commission, discount or bonus, shall be guilty of a misdemeanor: *Provided, however,* That if a corporation, partnership or other organization is guilty of a violation hereof, the person or persons through whom the corporation, partnership or other organization acts shall also be deemed guilty of a misdemeanor: *Provided, however,* That any person guilty of any offense within the purview of this act who shall first report the facts under oath to the attorney general of New Jersey, and who shall give evidence tending to the conviction of any other person charged with an offense under this act, shall be granted full immunity from prosecution or conviction under this act with respect to the offense reported.

Acts forbidden.

Approved March 11, 1922.

Immunity.

#### CHAPTER 153.—*Industrial police.*

[This act amends chapter 324, Acts of 1911, which authorizes the appointment of railroad, steamboat, etc., police, on the designation of the companies interested, and at their cost, by striking out the limitation which forbade such appointees to act in cities of the first and second class unless registered and ratified by the local police boards.]

Limitation repealed.

#### CHAPTER 252.—*Department of labor.*

[This act amends chapter 40, Acts of 1916. Sections 4 and 5 are repealed, and subsequent sections are renumbered accordingly. Sections 1, 6, 7, 8, 9, 10 and 11 are amended (all but the first being renumbered) so as to read as follows:]

SECTION 1 (as amended by ch. 252, Acts of 1922). The department of labor shall be reorganized and hereafter composed of:

First. One commissioner of labor.

Organization.

Second. A bureau of general and structural inspection.

Third. A bureau of electrical and mechanical equipment.

Fourth. A bureau of hygiene, sanitation and mine inspection.

Fifth. A bureau of engineer's and firemen's licenses.

Sixth. A bureau of industrial statistics.

Seventh. A bureau of employment.

General and structural inspection. SEC. 4 (as amended by ch. 252, Acts of 1922). The bureau of general and structural inspection shall consist of a chief inspector, who shall be a structural expert, appointed by the commissioner of labor, and who shall be hereafter known as deputy commissioner of labor, and nineteen inspectors appointed by the commissioner of labor, of which at least three shall be women.

Duty of deputy commissioner. SEC. 5 (as amended by ch. 252, Acts of 1922). The deputy commissioner of labor in charge of the bureau of general and structural inspection shall direct and assign, under the supervision and control of the commissioner of labor, the work of general and structural inspection except as hereinafter provided; supervise the work relating to plans for the alterations of old and the erection of new buildings, elevators, fire escapes, fire protection[,] supervise the inspection of the manufacture, storage and transportation of explosives and such additional correlated duties as the commissioner shall direct. The deputy commissioner of labor in charge of the bureau of general and structural inspection shall be the representative of the commissioner of labor, in his absence, in the administrative duties of the general office and as the commissioner of labor shall authorize.

Electrical and mechanical bureau. SEC. 6 (as amended by ch. 252, Acts of 1922). The bureau of electrical and mechanical equipment shall consist of a chief inspector, who shall be appointed by the commissioner of labor. In addition to the chief inspector, there shall be one inspector, who shall be appointed by the commissioner of labor.

Fire alarms, etc. SEC. 7 (as amended by ch. 252, Acts of 1922). The bureau of electrical and mechanical equipment shall, under the supervision and control of the commissioner of labor, perform such duties in matters relating to fire alarm installations or other electrical equipment, the installation of mechanical safeguards on machinery and other correlated duties as the commissioner shall direct.

Hygiene, etc. SEC. 8 (as amended by ch. 252, Acts of 1922). The bureau of hygiene, sanitation and mine inspection shall consist of a chief inspector appointed by the commissioner of labor, who shall be hereafter known as deputy commissioner of labor, an expert investigator of occupational diseases, a mine inspector having practical knowledge and skill in the work in and operation of mines and quarries, a bakery inspector who shall be a practical baker, one inspector, who shall be a person having practical knowledge and skill as a metal polisher and buffer, and such other inspectors or employees as may be assigned to the bureau.

Ventilation, sanitation, etc. SEC. 9 (as amended by ch. 252, Acts of 1922). The deputy commissioner of labor in charge of the bureau of hygiene, sanitation and mine inspection shall perform, under the supervision and control of the commissioner of labor, the duties devolving upon the department of labor or the commissioner of labor, with relation to the elimination of dust, fumes and excessive heat in industrial operation; the investigation of occupational diseases and the ventilation and sanitation of factories, mills, bakeries, workshops and places where the manufacture of goods is carried on; the inspection of mines, quarries, tunnels and caissons; the direction of industrial safety education and such additional correlated duties as the commissioner of labor shall direct. The deputy commissioner of labor in charge of the bureau of hygiene, sanitation and mine inspection shall be the personal representative of the commissioner of labor in the field and as authorized.

Passed March 16, 1922.

#### CHAPTER 270.—Railroads—Sufficient crews for trains.

Restriction repealed. [This act amends chapter 94, Acts of 1917, by striking out section 3 thereof, which prohibited any reduction in any train crew as previously constituted, without the authorization of the board of public utility commissioners.]

## NEW YORK.

### ACTS OF 1922.

#### CHAPTER 1.—*Protection of employees on buildings.*

[This act amends subdivision 6 of section 241, chapter 50, Acts of 1921, by substituting the words "lumber or timber" for the word "material," thus restricting the prohibition contained in this subdivision.]

#### CHAPTER 108.—*Insurance of employees.*

[This act amends section 55 of chapter 28, Consolidated Laws. The portion of the section affecting labor reads as follows:]

SECTION 55. \* \* \* No policy or agreement for insurance shall be issued upon the life or health of another or against loss by disablement by accident except upon the application of the person insured; but \* \* \* an employer may take out a policy of insurance covering his employees collectively for the benefit of such as may suffer loss from injury, death or disablement resulting from sickness, \* \* \*.

Who may insure.

Became a law March 10, 1922.

#### CHAPTER 286.—*Insurance of employees.*

[This act amends subdivision (k) (1) of section 107, chapter 28, Consolidated Laws, added by chapter 155, Acts of 1913. The section prescribes provisions for accident and health policies generally. The subdivision named, as amended, reads as follows:]

SUBD. (k) (1). Nothing in this section, however, shall apply to or affect any policy of liability or workmen's compensation insurance or any general or blanket policy of insurance issued to any municipal corporation or department thereof, or to any employer whether a corporation, copartnership, association or individual, or to any police or fire department, underwriters' corps, salvage bureau, or to any association of fifty or more members having a constitution or by-laws and formed in good faith for purposes other than that of obtaining insurance, where not less than seventy-five per centum of the members, or employees are insured for their individual benefit against specified accidental bodily injuries or sickness while exposed to the hazards of the occupation or otherwise in consideration of a premium intended to cover the risks of all the persons insured under such policy.

Policies exempt.

Became a law March 27, 1922.

#### CHAPTER 336.—*Railroads—Construction of coal jimmies and caboose cars.*

[This act postpones the date when the law regulating the construction of caboose cars shall be effective, from July 1, 1922, to July 1, 1923.]

#### CHAPTER 464.—*Employment of children—General provisions.*

[This act amends sections 627, 628, and 631 of chapter 16, Consolidated Laws, so as to read as follows:]

SECTION 627 (as amended by ch. 464, Acts of 1922). The employer of any minor between fourteen and eighteen years of age in a city or district shall keep and shall file in the place where such minor is employed, the employment certificate or vacation employment certificate of the minor, if such minor is required to obtain such an employment certificate under the provisions of section six hundred and twenty-six of this chapter.

File.

## Return of certificate.

Within three days, he shall report to the employment certificating officer the beginning of the minor's employment and upon the surrender of the minor's identification certificate shall return his employment certificate to him and mail his identification certificate to the employment certificating officer, but if the minor terminates his employment without notice or without the surrender of his identification certificate, then the employer shall return at once to the employment certificating officer the minor's employment certificate. In the case of a minor to whom a vacation employment certificate or a general employment certificate for agricultural work only is issued, the employer shall endorse thereon the dates of the beginning and termination of the minor's employment and a description of the work performed.

## Violations.

SEC. 628 (as amended by ch. 464, Acts of 1922). 1. Any person, firm or corporation or any officer, manager, superintendent or employee acting therefor who violates the provisions of sections six hundred and twenty-six and six hundred and twenty-seven of this chapter and any person in parental relation to a child or minor included by the provisions of this chapter who does not cause such child or minor to be subordinate and orderly when in attendance upon instruction as required by this chapter and to comply with the provisions of sections six hundred and twenty-six and six hundred and thirty-one of this chapter shall be guilty of a misdemeanor and the punishment therefor shall be for a first offense a fine of not more than fifty dollars; or imprisonment for not more than ten days; for a second and each subsequent offense, a fine of not more than two hundred dollars or both such fine and imprisonment. A prosecution instituted under this section shall be deemed a bar to prosecution under the provisions of any other statute based on the same state of facts.

2. In case, however, the person in parental relation to such a child or minor establishes to the satisfaction of the court that the child or minor is beyond his control such child or minor shall then be subject to the provisions of section six hundred and thirty-five of this chapter, except in respect to unlawful employment, and in the discretion of the school authorities may be proceeded against for violation of this act.

3. Attendance officers who are hereby vested with the powers of peace officers for the purpose shall enforce the provisions of this act.

## Certificates, valid when.

SEC. 631 (as amended by ch. 464, Acts of 1922). 1. A general employment certificate shall be valid only for the regular and permanent employment of a minor by the employer named therein except when issued for agricultural work only.

2. A vacation employment certificate and a general employment certificate for agricultural work only shall be valid for the temporary employment of a minor by successive employers.

3. A vacation employment certificate shall be valid for the employment of a minor in a mercantile establishment or business office or in outdoor work when attendance upon instruction is not required but not in a factory nor before morning school hours. It shall be issued at the discretion of the employment certificating officer for a definite period not exceeding five months, but if any such certificate expires between the first day of July and the thirty-first day of August, it shall, notwithstanding, continue in force until the thirty-first day of August of such year.

4. An employment certificate shall not be valid for the employment of a girl under eighteen years of age to deliver messages or articles of any kind outside of the place of her employment.

5. A minor while employed shall keep in his possession the identification certificate issued to him and shall produce it on demand of a representative of the department of labor or of the school authorities.

6. Employment certificates, vacation employment certificates and newsboy permit badges shall be issued only by the following officials: In cities and school districts having a population of four thousand five hundred or more, by the superintendent of schools, elsewhere by the district superintendent; provided that any such superintendent of schools may authorize and deputize in writing one or more public school officials other than attendance officers to act in his stead, as employment certificating officers in accordance with the regulations of

## Issue.

the commissioner of education. The number of persons so deputized as employment certificating officers, except for the purpose of issuing newsboy permit badges, shall not exceed the proportion of one for each quarter million of the population or fraction thereof of any such city or school district. A district superintendent under the rules laid down by the commissioner of education may deputize in writing such principals of union free schools, school officers, or employees, other than attendance officers as may be necessary to act as employment certificating officers

7. A general employment certificate shall be issued for a minor between fourteen and eighteen years of age in accordance with the following procedure:

A. The parent, guardian, or custodian of the minor shall make application in person for the issuance of a school record certificate to the principal, chief executive officer of the school which the minor attends, or as otherwise provided in section six hundred and thirty of this chapter.

B. The minor shall then present the application of parent, the school record certificate and evidence of age as hereinafter prescribed to the employment certificating officer for examination and approval. If any of these papers are unsatisfactory the employment certificating officer shall reject the applicant. If they are approved and if the minor is under sixteen years of age and is not a graduate of an elementary school course of study, he shall also test the minor as to his ability to read and write simple sentences in the English language, and shall sign and file a statement as to the minor's ability in these respects together with the sentences written by the minor. If the minor fails in the test he shall be rejected, but if he succeeds or if he is not required to take the test, the employment certificating officer shall transmit the evidence of age to the board of health.

C. Such board shall designate a medical officer who shall make a thorough physical examination of the minor. He shall record the results of the examination and such other facts concerning the minor's physical condition and history as may be required on the record of physical examination provided for that purpose. If the medical officer shall find that the minor has reached the normal development of a child of his age and is in sound health, he shall then issue to the minor a certificate of physical fitness stating these facts. If he finds the minor to be physically unfit in either of these respects he shall certify these facts and return the evidence of age to the employment certificating officer who shall reject the applicant.

D. If the minor receives a certificate of physical fitness and is under sixteen years of age the employment certificating officer shall issue to the minor a statement that an employment certificate will be granted to him upon the presentation of a statement signed by the prospective employer or by his duly authorized representative that he expects to give the minor present employment and setting forth the character of such employment and the number of hours per day and per week which the minor will be employed and the location of the place of employment.

E. Upon the presentation by the minor of the statement signed by the prospective employer or if the minor be more than sixteen years of age upon the receipt of the certificate of physical fitness, the employment certificating officer shall issue to the minor a general employment certificate together with an identification certificate containing the number of the employment certificate and the principal facts entered thereon.

F. The employment certificating officer shall sign an employment certificate and the minor to whom it is issued shall sign it in his presence.

8. For the issuance of a general employment certificate for agricultural work only no statement of the prospective employer shall be required; for the issuance of a vacation employment certificate, the school record certificate and the test in reading and writing shall be required, otherwise the foregoing procedure shall be followed.

9. An employment certificate shall contain the name, place of residence, date of birth, height, color of hair and color of eyes of the minor.

Procedure.

Contents of certificate.

Except in the case of a general employment certificate for agricultural work only and a vacation employment certificate it shall also contain the name and place of business of the prospective employer and a description of the work which the minor expects to perform.

## Reissuance.

10. Any employed minor between fourteen and eighteen years of age for whom an employment certificate is required by the provisions of this chapter, shall obtain a new employment certificate before taking up new employment, except a minor to whom a general employment certificate for agricultural work only or a vacation employment certificate has been issued, and unless he shall be in possession of an employment certificate lawfully issued to him prior to September first, nineteen hundred and twenty-one. He shall be entitled thereto upon the return to the employment certificating officer of the old employment certificate or of his identification certificate and if the minor is between fourteen and sixteen years of age upon the presentation to such officer of a statement from the prospective employer as hereinbefore provided. But if the employment certificate formerly issued can not be produced and if the employment certificating officer is satisfied that the minor's application is made in good faith, provided it can be shown that such a certificate had been issued to the minor, then the employment certificating officer may issue to the minor a new employment certificate.

Evidence of age.

11. The evidence of age shall show that the child is at least the age required for the issuance of the school record certificate and shall be as follows:

a. Birth certificate: passport or baptismal certificate. A certified transcript of the birth certificate filed according to law; a duly certified transcript of a record of baptism or a passport, showing the date of birth of the child.

b. Other documentary evidence. If the child appears to the employment certificating officer to be of the required age and can furnish none of the evidence mentioned in subdivision a. but can furnish other satisfactory documentary evidence of age, such officer may accept such documentary evidence as sufficient as to the age of such child, and shall file a statement showing such facts and the nature of the evidence.

c. Physicians' certificates of age. If the child appears in the school records and to the employment certificating officer to be the required age and can furnish no documentary evidence of age, the employment certificating officer may receive an application signed by the child's parent, guardian, or custodian for physicians' certificates as herein provided. The application shall be on file for not less than forty days and shall contain (1) The name, the place and date of birth, and the present residence of the child; (2) such further facts as may aid in determining the child's age. If within such period no facts appear to contradict any material statement of such application the officer shall direct the child to appear for physical examination before two physicians who shall be designated by the board of health. If the physicians certify in writing that they have separately examined the child and that the child is at least of the required age, such certificate shall be sufficient evidence of age. If their opinions do not concur the child shall be examined by a third physician similarly designated and the concurring opinions shall be accepted as evidence of the age of the child.

d. The employment certificating officer shall require evidence of age in the order designated in this subdivision and shall not accept the evidence permitted in paragraph b or c of this subdivision unless he receives and files in addition a statement signed by the child's parent, guardian or custodian that he has made every effort to obtain the evidence specified in the preceding paragraph or paragraphs and that none can be procured.

## Physician's fee.

12. Except in a city of the first class and of the second class, a fee not exceeding fifty cents shall be paid to the physician designated by the board of health for the physical examination required by the provisions of this section and this fee shall be a charge against the city, town or village where the child resides.

## Newsboy badge.

13. a. When the schools are in session a newsboy permit badge shall be issued only on the personal application of the parent, guardian or custodian to the principal of the school the boy attends and the cer-

tificate of such principal that the boy is of normal development and physically fit for such employment and is twelve years of age or upward as shown by the school records, and when the schools are not in session upon the similar certification as complete as may be of the employment certificating officer, who in either case shall file the certificate.

b. The newsboy permit badge shall be worn in plain sight whenever the boy to whom it was issued is engaged in the work it authorizes him to do.

14. An employment certificate or a newsboy permit badge may be revoked for cause by the superintendent of schools or the district superintendent of schools within their respective jurisdictions.

15. Any person who makes a false statement in or in relation to any employment certificate as to any matters required by this act or in any affidavit, record, transcript or certificate therein provided for, is guilty of an offense, punishable in each case by a fine of not more than a hundred dollars or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

16. The commissioner of education is hereby authorized to prescribe the form and content of all certificates and newsboy permit badges required by this chapter except that in the case of the record of physical examination, the approval of the commissioner of health shall also be required, and in the case of the employment certificate the approval of the industrial commissioner.

4. Article twenty-two a of this chapter [added by chapter 21, Acts of 1921] is hereby repealed.

Became a law April 5, 1922.

Revocation.

False statements.

Form, etc.

Repealer.

#### CHAPTER 588.—*Election law—Time to vote to be allowed employees.*

SECTION 200. Any person entitled to vote at an election shall on the day of election be entitled to absent himself from any service or employment in which he is then engaged or employed, for a period of two hours, while the polls of the election are open: *Provided, however,* That this section shall not apply to a voter on the day of a primary election if there be two successive hours, while the polls of such election are open, in which he is not in the service of an employer. If the voter shall notify his employer before the day of election of such intended absence, and if thereupon two successive hours for such absence shall be designated by the employer, and such absence shall be during such designated hours, or if the employer upon the day of such notice makes no designation, and such absence shall be during any two successive hours while the polls are open, no deduction shall be made from the usual salary or wages of such voter, and no other penalty shall be imposed upon him by his employer by reason of such absence. This section shall be deemed to include all employees of municipalities.

Two hours allowed.

Became a law April 12, 1922.

#### CHAPTER 601.—*Railroads—Inspection of locomotives.*

[This act amends sections 72 and 73 of chapter 49, Consolidated Laws, so as to read as follows:]

SECTION 72 (as amended by ch. 601, Acts of 1922). It shall be the duty of every railroad corporation which operates a railroad not exceeding fifty miles in length by steam power, within this State, and of any other corporation (except a railroad corporation), partnership or person owning or operating a locomotive or locomotives propelled by steam, which may at any time pass over or on the tracks of any railroad corporation within the State or over or on any track parallel to and immediately adjacent to any track of any railroad corporation within the State, and of the directors, managers or superintendents of such corporations, to cause thorough inspections to be made of the boilers, safety appliances, machinery, and all appurtenances thereto of all the steam locomotives which may be owned or operated by such corporations, partnerships or persons within this State. Such inspections shall be made at least every three months under the direction and superintendence of said corporations, partnerships or persons, by persons of suitable qualifications and attainments to perform the services required of inspectors of boilers and other locomotive equip-

Scope of law.

Inspection required.

ment, and who from their knowledge of the construction and use of boilers and other locomotive equipment and the appurtenances therewith connected, are able to form a reliable opinion of the strength, form, workmanship and suitableness of boilers and other locomotive equipment, to be employed without hazard of life, from imperfections in material, workmanship, or arrangement of any part of such locomotive and appurtenances. All boilers used on such locomotives shall comply with the following requirements: The boilers must be made of good and suitable materials; the openings for the passage of water and steam respectively, and all pipes and tubes exposed to heat shall be of proper dimensions; the safety valves, fusible plugs, water glasses, gauge cocks and steam gauges, shall be of such construction, condition and arrangement that the same may be safely employed in the active service of said corporations, partnerships or persons without peril of life; and each inspector shall satisfy himself by thorough examination that said requirements have been fully complied with. No boiler, nor any connection therewith, shall be approved which is unsafe in its form, or dangerous from defects, workmanship or other cause. The person or persons who shall make the said inspections if he or they approve of the boiler and other locomotive equipment and the appurtenances thereto throughout, shall make and subscribe his or their name to a certificate which shall contain the number of each locomotive and boiler inspected, the date of inspection, the condition of the boiler and other locomotive equipment inspected, and such other details as may be prescribed by the public service commission. Every certificate shall be verified by the oath of the inspector, and he shall cause such certificate to be filed in the office of the public service commission, within ten days after each inspection shall have been made, and also a copy thereof with the chief operating officer or employee of such corporation, partnership or person having charge of the operation of such locomotive; a copy shall also be placed by such officer or employee in a conspicuous place in the cab connected with such locomotive, and there kept framed under glass. The public service commission shall have the power, from time to time, to formulate rules and regulations for the inspection and testing of locomotives as aforesaid, and may require the removal of incompetent inspectors of locomotives under the provisions of this section. If it shall be ascertained by such inspection and test or otherwise, that any locomotive is unsafe for use, the same shall not again be used until it shall be repaired, and made safe, so as to comply with the requirements of this section.

## Certificates.

## Rules.

## Violations.

## Inspectors.

Every such corporation, director, manager or superintendent, partnership or person violating any of the provisions of this section shall be liable to a penalty, to be paid to the people of the State of New York, of one hundred dollars for each offense, and the further penalty of one hundred dollars for each day it or he shall omit or neglect to comply with said provisions, and the making or filing of a false certificate shall be a misdemeanor, and every inspector who willfully certifies falsely touching any steam locomotive, or any appurtenance thereto belonging, or any matter or thing contained or required to be contained in any certificate, signed and sworn to by him, shall be guilty of a misdemeanor. The public service commission shall enforce the provisions of this section as to penalties.

SEC. 73 (as amended by ch. 601, Acts of 1922). Inspectors shall be appointed by the public service commission, who shall be familiar with the construction and operation of steam locomotives and their appurtenances, whose salaries shall be fixed by the commission. They shall, under the direction of the commission, inspect locomotives used by corporations operating steam railroads within the State, or locomotives owned or operated by corporations, partnerships or persons on or over any track adjacent to or parallel with any track of any railroad corporation within the State, and may cause the same to be tested by hydrostatic tests and shall perform such other duties in connection with the inspection and test of locomotives as the commission shall direct. But this section shall not relieve any corporation, partnership or person from the duties imposed by the preceding section.

## RHODE ISLAND.

### ACTS OF 1922.

#### CHAPTER 2160.—*Commissioner of labor.*

SECTION 1. Section 5 of chapter 1741 of the Public Laws passed at the January session, A. D. 1919, is hereby amended to read as follows:

SEC. 5. Said commissioner shall employ such assistants and incur such expenses incident to the proper discharge of the duties of his office as may be necessary not exceeding five thousand dollars in amount in any one year; but no such assistants shall be paid more than four dollars per day in addition to his necessary traveling expenses, and the salary provided for said commissioner shall be in addition to the compensation fixed by the General Assembly for said commissioner for taking the census.

Expenditures.

SEC. 2. Section 3 of chapter 80 of the General Laws is hereby repealed.

Approved February 17, 1922.

#### CHAPTER 2232.—*Employment of children—General provisions.*

SECTION 1. Clause 2 of section 1 of chapter 78 of the General Laws, \* \* \* as amended \* \* \* by chapter 1378 of the Public Laws, passed at the January session, A. D. 1916, is hereby amended so as to read as follows:

Clause 2. No child under sixteen years of age shall be employed or permitted or suffered to work in any factory or manufacturing or business establishment unless said person, firm or corporation employing him or her shall have in his, their or its possession an age and employment certificate, given by or under the direction of the school committee of the city or town in which said child resides; such certificate shall state (a) the name of said child; (b) the date and place of birth of said child; (c) the height, color of eyes and hair, and complexion of said child; (d) the name and place of residence of the person having control of said child, and such certificate shall certify (1) that said child has completed fourteen years of age, (2) that said child is able to read at sight and write legibly simple sentences in the English language and has completed a course of study equivalent to six yearly grades, and (3) that said child has been examined physically by a licensed physician, and that said physician has certified that said child is in sufficiently sound health and physically able to be employed in any of the occupations or processes in which a child between fourteen and sixteen years of age may be legally employed. The statements contained in such certificate in regard to the name, date and place of birth of said child, shall be substantiated by a duly attested copy of the birth certificate, baptismal certificate, or passport of such child. The statement contained in such certificate in regard to the school record of said child shall be substantiated by a signed statement from the principal or chief executive officer of the school which the child has last attended, certifying that the child has complied with the educational requirements as above stated. Such statement shall also give the name, date of birth and residence of the child as shown on the records of the school and the name of the parent or guardian or custodian. After the official authorized to issue the age and employment certificate above named has determined that the child applying for such certificate is fourteen years of age and has completed the necessary course of schooling as above required, said official shall send such child to a physician for a physical examination: *Provided*, That the physical examination of any such child who resides in the City of Providence shall be made by either of the physicians appointed as hereinafter provided by the commissioner of education, and no age and employment certificate shall be issued to

Certificate required.

Physical examination.

## Physicians.

any child until the physician as above provided shall certify in writing that said child is in sufficiently sound health and physically able to be employed in any of the occupations or processes in which a child between fourteen and sixteen years of age may be legally employed. For making the physical examination and certifying as to the health, the physician, except those physicians appointed by the commissioner of education under this act, shall receive from the state the sum of one dollar. He shall render to the secretary of the State board of education his account, properly certified by the official authorized to issue the age and employment certificate required by this section. The commissioner of education is hereby authorized to appoint two physicians for the City of Providence, who shall make the physical examinations in accordance with the provisions of this section. On the first day of May, 1915, said commissioner shall appoint said physicians for the term of three years and every third year thereafter said commissioner shall appoint two physicians for the term of three years to perform the duties required by this section. Any vacancy occurring during any such term shall be filled by appointment by said commissioner for the unexpired portion of such term. Said physicians shall examine all the children in said city between fourteen and sixteen years of age who shall apply for a physical examination in accordance with the provisions of this section. Said physicians shall each receive in full compensation for his services the sum of twelve hundred dollars, annually, on vouchers approved by the commissioner of education.

Operative May 1, 1922.

## SOUTH CAROLINA.

### ACTS OF 1922.

#### Act No. 501.—*Protection of employees as members of State militia.*

SECTION 47. A person, who either by himself, or with another, willfully deprives a member of the Organized Militia of South Carolina of his employment or prevents, by himself or another such member being employed, or obstructs or annoys said member or his employer in his trade, business or employment, because he is such a member or dissuades any person from enlisting in said organized militia by threat or injury to him in his employment, trade or business, in case he shall so enlist, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding one hundred dollars, or imprisonment in the county jail not more than thirty days, or shall suffer both such fine and imprisonment.

SEC. 48. No club, society, association, corporation, or organization shall by any constitution, rule, by-laws, resolution, vote or regulation, or otherwise, discriminate against any member of the Organized Militia of South Carolina because of his membership in said organized militia, in respect to his eligibility to membership in such club, society, association, corporation or organization, or in respect to his rights to retain and exercise the rights of membership therein. Any person or persons, club, society, association, corporation or organizations, violating or aiding, abetting or assisting in the violation of any provisions of this section shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding one hundred dollars, or imprisonment in the county jail for a period not exceeding thirty days, or shall suffer both such fine and imprisonment.

Approved March 22, 1922.

#### Act No. 537.—*Payment of wages of textile employees.*

SECTION 1. From and after the approval of this act, every textile industry in this State, whether incorporated or otherwise, shall, on its regular pay day, pay its employees who work within the bounds of the premises owned, leased, controlled or occupied by such textile industry during work hours.

SEC. 2. Any employee not present to receive his or her wages in accordance with section 1 of this act, shall at any time thereafter upon demand receive such wages as are due to him or her.

SEC. 3. Any person, firm or corporation violating the provisions of this act shall be liable for the payment of fifty (\$50) dollars penalty for each violation to be recovered at the instance of the aggrieved party.

Approved March 1, 1922.

#### Act No. 541.—*Tips for employees.*

[This act repeals Act No. 162, Acts of 1915, which forbade the giving of tips to certain employees, and enacts no other provision.]

#### Act No. 567.—*Hours of labor in textile mills.*

SECTION 1. Fifty-five hours a week in cotton and woolen mills—ten hours a day or fifty-five hours a week: *Provided*, That the hours of a single day shall not exceed ten hours, except for the purpose of making up lost time as hereinafter provided, shall constitute the hours for working all operatives and employees in cotton and woolen manufacturing establishments engaged in the manufacture of yarns, cloth, hosiery and other products of merchandise, except mechanics, engi-

Interfering with employment.

Membership in clubs, etc.

Absent employees.

Violations.

Hours per day and week.

neers, firemen, watchmen, teamsters, yard employees and clerical force, and for night running fifty-five hours per week. All contracts for longer hours of work other than herein provided in said manufacturing establishments shall be, and the same are hereby declared null and void, and any person that requires, permits or suffers any person to work a longer time than so stated, shall be deemed guilty of a misdemeanor in each and every instance and on conviction in a court of competent jurisdiction shall be fined a sum of money not less than twenty-five (\$25) dollars nor more than one hundred (\$100) dollars, or imprisonment not exceeding thirty (30) days: *Provided*, That nothing herein contained shall be construed as forbidding or preventing any such manufacturing company from making up lost time to the extent of sixty hours per annum, beginning January 1 of each year current with the loss of time incurred, where such lost time has been caused by accident or other unavoidable cause: *Provided, further*, That such lost time shall be made up within three months after the lost time was incurred: *Provided, further*, That all manufacturing establishments subject to the provisions of this section shall cause to be posted in a conspicuous place in every room where such persons are employed, a notice printed in plain type, stating the number of hours required of them each day of the week, the exact time for commencing work in the morning, stopping at noon for dinner, commencing after dinner, and stopping at night; the form of such notice shall be approved by the commissioner of agriculture, commerce and industries: *Provided, further*, That should any manufacturer desire to make up any lost time caused by accident or unavoidable cause to the extent allowed in this section, he shall post in each room a typewritten notice, stating the exact time that will be made up, the exact time lost, when lost, and for what cause. A complete record of all lost time, time made up by dates, in hours and minutes shall be kept by the proper officer of the manufacturing establishment, and presented on demand of the factory inspector. Failure to comply with any requirements in this section shall be deemed a violation of this act.

Schedule to be posted.

Lost time.

Approved March 15, 1922.

Act No. 589.—*Arbitration of labor disputes—Street railways.*

Request either party. of SECTION 1. In case of differences and disputes arising between any street railway and its employees, in reference to wages, hours, rules and regulations, or any other matter affecting or pertaining to such employment, the said parties, to wit: The employer and employees shall submit such matters of difference to a board of arbitration, if either party, that is, the employer or the employees, make request therefor.

Selection of arbitrators. SEC. 2. Such request by either party shall be made by serving notice on the other party of the matters of difference which it, or they desire arbitrated, and naming with such notice an arbitrator in behalf of the party giving the notice. Thereupon the other party shall, within five days thereafter, name an arbitrator on their or its behalf, serving notice of and the name of such proposed arbitrator of the other party or parties. The two arbitrators so chosen shall meet within five days thereafter and select a third disinterested party to act with them. And if the arbitrators so chosen by the respective sides fail to agree upon a third person, then the mayor of the city in which such street railway is located, shall act as the third arbitrator. If either party, after five (5) days' notice and request for the appointment and naming of an arbitrator as hereinabove provided, shall fail to name such arbitrator, then on application and affidavit setting forth such fact the judge holding the court of common pleas of the circuit in which such county is located, or the judge of the court of common pleas, resident in such circuit shall name such arbitrator for the party in default.

Hearings. SEC. 3. It shall be the duty of the said board of arbitrators so selected, after notice to both parties of not less than ten days, to hold such hearing or hearings as the said board may deem proper, to investigate all matters of difference and dispute, to ascertain the cause or causes thereof, and to make a finding or award in respect thereto, furnishing a copy of such finding or award to the parties to the said dis-

pute, to wit: One copy to the employees and one to the common carrier, and also to file a copy with the governor of the State.

SEC. 4. Such finding and award by a majority of said board shall be binding upon all the parties, unless an appeal is taken therefrom within ten days after the service of a copy of such finding and award. Either party shall have the right to appeal upon questions of law and fact from such finding.

SEC. 5. If either party to said finding shall desire to appeal therefrom, such party shall give notice in writing within ten days after notice of said award to the other party, and to the chairman of the board of arbitrators, setting forth in such notice the grounds of his appeal; thereupon it shall be the duty of said board of arbitrators to transmit all the papers including any evidence taken by it, to the court of common pleas for the county in which such common carrier is situated. Upon receipt of such papers by the clerk of the court of common pleas for such county, it shall be the duty of said clerk to forthwith file and docket the same on Calendar 2. And it shall be the duty of the judge holding the courts of said circuit, or the judge resident in said circuit, to take up the said case as speedily as possible, giving the same preference in hearing, and to hear the same upon the record transmitted and to review and correct any errors of law he may find.

SEC. 6. For the purposes of this act, any judge of the Circuit Court of the State of South Carolina shall have jurisdiction to hear and pass upon any appeal herein, at chambers, as fully as might be done in open court.

SEC. 7. This act shall only apply to counties in which there are incorporated cities of not less than thirty thousand, and not more than fifty thousand people, according to the last census.

Approved February 24, 1922.

Findings.

Appeals.

Jurisdiction.

Application of law.



## VIRGINIA.

### ACTS OF 1922.

#### CHAPTER 268.—*Payment of wages due deceased employees.*

SECTION 1. \* \* \* When there is due from any employer to a deceased employee, upon whose estate there has been no qualification, a sum not exceeding three hundred dollars, it shall be lawful for such \* \* \* employer, after one hundred and twenty days from the death of said person, to pay said balance to his next of kin, whose receipt therefor shall be a full discharge and acquittance \* \* \*.

Payment to next of kin.

Approved March 15, 1922.

#### CHAPTER 284.—*Employment of children—Abuse.*

SECTION 1. It shall be unlawful for any person employing or having the custody of any child willfully or negligently to cause or permit the life of such child to be endangered or the health of such child to be injured, or willfully or negligently to cause or permit such child to be placed in a situation that its life or health or morals may be endangered, or to cause or permit such child to be overworked, tortured, tormented, mutilated, or cruelly beaten or cruelly treated. Any person violating this act shall be guilty of a misdemeanor.

Acts forbidden.

Approved March 17, 1922.

#### CHAPTER 373.—*Commissioner of labor—Inspection and regulation of factories, etc.*

[This chapter amends various sections of the Code of 1919, as follows:]  
SECTION 1799 (as amended by ch. 373, Acts of 1922). The commissioner of labor shall have the power to take and preserve testimony, examine witnesses, administer oaths, and under proper restriction enter any public institution of the State, and any factory, store, workshop, laundry, or mine, and interrogate any person employed therein or connected therewith, or the proper officer of a corporation, or file a written or printed list of interrogatories and require full and complete answers to the same, to be returned under oath within thirty days of the receipt of said list of questions.

Powers.

He shall have general supervision and control of the bureau of labor and industrial statistics and shall have authority to appoint such assistants as may be necessary to carry out the objects and purposes of the bureau.

He shall secure the enforcement of all laws relating to the inspection of factories, mercantile establishments, mills, workshops, and commercial institutions in the State and to aid him in this work shall have power to appoint such factory inspectors and other assistants as may be necessary. The duties of such inspectors and other assistants shall be prescribed by the commissioner of labor.

The commissioner of labor, his assistants and factory inspectors shall visit and inspect at reasonable hours, as often as practicable, the factories, mercantile establishments, mills, workshops and commercial institutions in the State, where goods, wares, or merchandise are manufactured, purchased, or sold, at wholesale or retail. The commissioner of labor shall report in writing to the governor annually concerning the work of his department, with such other information and with such recommendations as he may deem proper.

Inspections.

It shall be the duty of the commissioner of labor to enforce the provisions of this chapter, and to prosecute all violations of law relating to the inspection of factories, mercantile establishments, mills, workshops and commercial institutions in this State before any justice of the peace or court of competent jurisdiction.

Enforcement.

**Prosecutions.** It shall be the duty of the Commonwealth's attorney of the proper county or city, upon the request of the commissioner of labor, or any of his assistants or deputies, to prosecute any violation of law, which is made the duty of said commissioner of labor to enforce.

**Violations.** SEC. 1802 (as amended by ch. 373, Acts of 1922). If any person, who may be sworn to give testimony, shall wilfully fail or refuse to answer any legal and proper question propounded to him concerning the subject of such examination as indicated in section seventeen hundred and ninety-nine, or if any person, to whom a written or printed list of such interrogatories has been furnished by the commissioner of labor, shall neglect or refuse to fully answer and return the same under oath, or if any person in charge of any factory, mill, workshop, laundry, mercantile or manufacturing establishment shall refuse admission to, or obstruct in any manner the inspection of such establishment or the proper performance of the authorized duties of the commissioner of labor or any of his assistants or any factory inspector, or other duly authorized representative of the bureau of labor and industrial statistics, he shall be guilty of misdemeanor, and, upon conviction thereof, shall be fined not exceeding one hundred nor less than twenty-five dollars, or imprisoned in jail not exceeding ninety days, or both.

Nothing in this chapter shall be construed as permitting the commissioner or any employee of said bureau to make use of any information or statistics gathered from any person, company, or corporation for any purposes other than those of this chapter.

**Seats for female employees.** SEC. 1807 (as amended by ch. 373, Acts of 1922). Chairs, stools, or other suitable seats shall be maintained in all factories, shops, mills, laundries, mercantile and manufacturing establishments, except fruit and vegetable canning factories, for the use of female employees therein to the number of at least one seat for every three females employed, and the use thereof by such employees shall be allowed at such times and to such extent as may be necessary for the preservation of their health. Such seats shall be placed where the work of such females is to be principally performed, whether in front of or behind a counter, table, desk, or other fixture. Any employer of female help in this State who shall neglect or refuse to provide seats as required in this section, or shall make any rules, orders, or regulations in his factory, shop, mill, laundry, store, or other place of business requiring females to remain standing when not necessarily employed in service or labor therein shall be deemed guilty of a misdemeanor, and upon a conviction thereof shall be fined not exceeding twenty-five dollars and costs, at the discretion of the court. In any manufacturing establishment where it is necessary on account of the nature of the work in such establishment for the female employees to stand while working, it shall be deemed a sufficient compliance with this section if suitable rest rooms are provided to which such employees may go at all reasonable times.

**Blacklisting.** SEC. 1817 (as amended by ch. 373, Acts of 1922). No person or persons, partnership, corporation or association doing business in this State, or any agent or attorney of such person or persons, partnership, corporation or association, after having discharged any employee from the service of such person or persons, partnership, corporation or association, or after any employee having voluntarily left the service of such person or persons, partnership, corporation or association, shall wilfully and maliciously prevent or attempt to prevent by word or writing, directly or indirectly, such discharged employee or such employee voluntarily leaving from obtaining employment with any other person or persons, partnership, corporation or association. For violation of this section the offender shall be guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than one hundred nor more than five hundred dollars. But this section shall not be construed as prohibiting any person or persons, partnership, corporation or association from giving on application for any other person or corporation, a truthful statement of the reason for such discharge, or a truthful statement concerning the character, industry, and ability of such person voluntarily leaving.

**Toilets, etc.** SEC. 1822 (as amended by ch. 373, Acts of 1922). Every factory in which five or more persons are employed, and every factory, workshop, mercantile or other establishment, or office, in which two or more

children, under eighteen years of age, or women, are employed, shall be kept clean and free from effluvia arising from any drain, privy or nuisance, and shall be provided with a sufficient number of water-closets, earth closets or privies, and reasonable access shall be afforded thereto; and whenever one or more males and one or more females are employed together, a sufficient number of separate water-closets, earth closets or privies, with partitions between to extend from floor to ceiling, shall be provided for the use of each sex, and plainly designated; and all rooms in which toilets for males and females are installed after July first, nineteen hundred and twenty-two, shall have separate entrances for each sex; no person shall be allowed to use a closet or privy which is provided for persons of the other sex. In buildings used exclusively for offices the provisions of this section shall not apply, if separate toilets are within convenient access in the buildings wherein the offices are located.

SEC. 1830 (as amended by ch. 373, Acts of 1922). The owner or person in charge of a factory, shop, manufacturing establishment, where machinery is used, shall provide, in the discretion of the commissioner of labor, belt shifters or other mechanical contrivances for the purpose of throwing on or off belts on pulleys. Whenever practicable, all machinery shall be provided with loose pulleys. All vats, elevators, saws, planers, cogs, gearing, belting, shafting, set screws, shapers, corner machines shall be properly guarded. No person shall remove or make ineffective any safeguard around or attached to machinery, vats, or elevators while the same are in use, unless for the purpose of immediately making repairs thereto, and all such safeguards so removed shall be promptly replaced. If a machine or any part thereof is in a dangerous condition, or is not properly guarded, notice thereof shall be given to the manager or owner in charge of such operation, and unless such machinery is repaired or made safe within thirty days after such notice, the use thereof may be prohibited by the commissioner of labor and a notice to that effect shall be attached thereto. Such notice shall not be removed until the machine is made safe and the required safeguards are provided, and in the meantime such unsafe or dangerous machinery shall not be used. When in the opinion of the commissioner of labor it is necessary, the workrooms, halls and stairs leading to the workrooms shall be properly lighted; and in cities of the first class, if deemed necessary by the commissioner of labor, a proper light shall be kept burning by the owner or lessee in the public hallways, near the stairs upon the entrance floor and upon the other floors on every work-day in the year, from the time when the building is opened for use in the morning until the time it is closed in the evening, except at times when the influx of natural light shall make artificial light unnecessary. Such lights shall be independent of the motive power of such factory.

2. Section eighteen hundred and thirty-one of the Code of Virginia is hereby repealed.

Safety appliances.

Lighting.

Repealer.

Approved March 24, 1922.

#### CHAPTER 381.—*Employment of children—School attendance.*

SECTION 1. Every parent, guardian, or other person in the State of Virginia, having control or charge of any child, or children, who have reached the eighth birthday and have not passed the fourteenth birthday, shall send such child, or children, to a public school, or to a private, denominational or parochial school or have such child or children taught by a tutor or teacher in a home, and such child, or children, shall attend regularly such school during the period of each year the public schools are in session and for the same number of days as in the public schools. The period of compulsory attendance shall commence at the beginning of the school which the pupil attends. But the provisions of this section shall not apply to a child between the ages aforesaid who has completed the elementary course of study prescribed by the State board of education, or the course of study provided by the school he should attend, and who is actually, regularly and lawfully employed;

Scope of law.

\* \* \*

## Violations.

SEC. 4. Any parent, guardian, or other person having control of a child, who fails to send such child to school as required by this act; or

Any person who induces or attempts to induce any child to be absent unlawfully from school, or who knowingly employs or harbors while school is in session any child absent unlawfully from school; or

Any person who commits any offense under this act for which no specific penalty is provided herein, shall be guilty of a misdemeanor and on conviction shall be fined not exceeding twenty-five dollars.

Approved March 24, 1922.

CHAPTER 489.—*Employment of children—General provisions.*

## Age limit.

SECTION 1. No child under fourteen years of age shall be employed, permitted or suffered to work in, about, or in connection with any gainful occupation, other than work on farms, orchards and in gardens, except as specified in this act.

## Work time.

SEC. 2. No child under sixteen years of age shall be employed, permitted or suffered to work in, about, or in connection with any gainful occupation, (1) more than six days in any one week; (2) nor more than forty-four hours in any one week; (3) nor more than eight hours in any one day; (4) nor before the hour of seven o'clock in the morning nor after the hour of six o'clock in the evening, except on farms, in orchards or in gardens. Every employer shall post and keep posted conspicuously in the place where any child is employed, permitted, or suffered to work a printed notice setting forth the maximum number of hours such child may be required or permitted to work each day of the week, the hours of beginning and ending of work each day, and the hours when the time allowed for meals begins and ends.

## Certificates required.

SEC. 3. No child under sixteen years of age shall be employed, permitted or suffered to work in, about, or in connection with any gainful occupation with the exception of work on farms, orchards and in gardens, unless the person, firm or corporation employing such child procures and keeps on file and accessible to any school attendance officer, inspector of labor or other authorized person charged with the enforcement of this act, the employment certificate as hereinafter provided, issued to such child; and keep two complete lists of the names, together with the ages, of all children under sixteen years of age employed in or for such establishment or in such occupation, one on file and one conspicuously posted near the principal entrance of the place where such children are employed.

## Who may issue.

SEC. 4. Employment certificates shall be issued only by the chief school attendance officer, or if there is no attendance officer, by the division superintendent of schools or by any person designated by him in the city, town, or county in which the child is to be employed and only upon application in person of the child desiring employment, accompanied by the parent, guardian, or custodian of such child. Where there is no attendance officer, the division superintendent of schools shall designate one or more persons to grant such permit in every city, town, or county. The person issuing such certificate shall have authority to administer the oath provided for therein, or to make any investigation or examination necessary for the issuance thereof. No fee shall be charged for issuing any such certificate nor for administering any oath or rendering any services in respect thereto. The officer issuing the certificate shall establish and maintain proper records where copies of all such certificates and all documents connected therewith shall be filed and preserved.

## Evidence.

SEC. 5. The person authorized to issue an employment certificate shall not issue such certificate until he has received, examined, approved and filed the following papers:

(a) A statement signed by the prospective employer, or some one duly authorized on his behalf, stating that he expects to give such child present employment, setting forth the specific nature of the occupation in which he intends to employ such child and the number of hours per day and of days per week which said child shall be employed and the daily time of the beginning and ending of such employment and of the period for lunch, and agreeing to send the notice of

the commencement of employment and to return the certificate according to the provisions of this act.

(b) Proof of age as provided in section six of this act.

(c) A certificate of physical fitness as provided in section seven of this act.

SEC. 6. The evidence of age required by this act shall consist of one of the following proofs of age, which shall be required in the order herein designated:

(a) A birth certificate or attested transcript issued by a registrar of vital statistics or other officer charged with the duty of recording births.

(b) A baptismal record or duly certified transcript thereof showing the date of birth and place of baptism of the child.

(c) A passport or a certificate of arrival issued by immigration officers of the United States showing the age of the child.

(d) A bona fide contemporary record of the date and place of the child's birth kept in the Bible in which the record of the births in the family of the child are preserved.

(e) Other documentary record of the child's age satisfactory to the issuing officer: *Provided*, That a school record, a school census record, or a parent's, guardian's or custodian's affidavit or statement of age shall not be accepted except as specified in subdivision (f).

(f) A certificate of physical age, signed by a public health or public school physician and based upon a physical examination. Such certificate shall state the height and weight of such child and other evidence upon which the opinion as to the age of such child is founded. No fee shall be charged for this certificate. A parent's, guardian's or custodian's affidavit of age, and a record of the age as given in the register of the school first attended by the child, if obtainable, or in the earliest available school census, shall accompany the physician's certificate of age. And no employment certificate shall be issued if any of the above possible sources shows the child to be under the age of fourteen; except as provided in section ten of this act.

SEC. 7. The certificate of physical fitness required by this act shall be signed by a public health or school physician. It shall show height and weight of the child and shall state that the said child has been thoroughly examined by the said physician within a period of ten days and has been found to be of normal development for a child of his age, is in sound health, and is physically qualified for the employment specified in the statement submitted by the employer.

SEC. 8. But nothing contained in this act shall be construed as qualifying in any way the provisions of the compulsory education laws of this State, nor as authorizing the employment of any child who is absent unlawfully from school.

SEC. 9. The employment certificate required to be issued shall state the name, sex, color, date of birth and place of residence of the child. It shall certify that all the conditions and requirements for issuing an employment certificate under the provisions of this act have been fulfilled, and shall be signed by the person issuing it. It shall state the grade last completed by said child, the number of years said child has attended school, and the kind of evidence of age accepted for the employment certificate. It shall state the name and address of the employer for whom and the nature of the specific occupation in which the employment certificate authorizes the child to be employed, and no certificate shall be valid except for the employer so named and the occupation so designated. It shall bear a number, shall show the date of its issue, and shall be signed by the child for whom it is issued in the presence of the person issuing it. It shall be issued in triplicate, one copy to be mailed to the employer, one copy to be sent to the State commissioner of labor and one copy to be retained and kept on file by the issuing officer.

SEC. 10. The provisions of this act shall not apply to children between the ages of twelve and sixteen working in fruit or vegetable canneries for not more than eight hours in any one day, where public schools are not actually in session.

SEC. 11. Every employer receiving an employment certificate shall notify the issuing officer within seven days of the time of the commencement of the employment of such child, and within seven days

Proof of age.

Physical fitness.

School law.

Contents of certificate.

Canneries.

Employers to give notice.

after the termination of the employment shall return said certificate to the issuing officer. Failure so to notify shall be cause for the cancellation of the certificate; and failure so to return it shall be cause for the refusal of further certificates upon the application of such employer. Returned certificates shall be filed, and the commissioner of labor shall be notified by the issuing officer of their return.

## Term.

SEC. 12. An employment certificate shall be invalid after twelve months from date of issue unless there shall have been filed with the issuing officer a new certificate of physical fitness as provided for in section seven.

## Employments forbidden.

SEC. 13. No child under sixteen years of age shall be employed, permitted or suffered to work in any mine, quarry, tunnel, excavation work, brick or lumber yard, nor shall they operate or assist in operating any dangerous machinery; oil, assist in oiling, wiping or cleaning any such machinery; nor shall they be employed in any capacity in preparing any composition in which dangerous or poisoning chemicals are used; and they shall not be employed in any capacity in the manufacturing of paints, colors or white lead; and no boy under sixteen and no girl under eighteen years of age shall be employed, permitted or suffered to work in any retail cigar or tobacco store, or in any theatre, concert hall, pool hall, bowling alley or place of amusement or in any hotel, restaurant, steam laundry, or in any passenger or freight elevator.

## Messenger service.

SEC. 14. No male under fourteen years of age and no female under eighteen years of age shall be employed, permitted or suffered to work as a messenger for any telegraph or messenger company or messenger service in the distribution, transmission or delivery of goods or messages at any time. No male under eighteen years of age and no girl under twenty-one years of age shall be employed, permitted or suffered to work as a messenger for any telegraph or messenger company or service in the distribution, transmission or delivery of goods or messages before five o'clock in the morning or after ten o'clock in the evening of any day.

## Street trades.

SEC. 15. No boy under fourteen years of age, and no girl under eighteen years of age, shall be employed, permitted or suffered to work in a street or public place in the occupation of peddling, boot-blacking or distributing or selling newspapers, magazines, periodicals or circulars, or engaged in any gainful occupation, in a street or public place, except that any boy between twelve and sixteen years of age may engage in the occupations of bootblacking or distributing and selling newspapers, magazines, periodicals or circulars which are by law permitted to be distributed and sold, or running errands or delivering parcels at such time or times between six o'clock a. m. and seven o'clock p. m. in each day that the public schools are not in session, provided such boy procures and carries on his person a badge as herein-after provided. Such badge shall be issued by the same person authorized to issue an employment certificate, and upon compliance with all the requirements for the issuance of an employment certificate. It shall bear a number and on its reverse side shall be signed in the presence of the person issuing it by the child in whose name it is issued, together with address and date of birth. A deposit of fifty cents shall be made for the use of each badge, to be held by the officer issuing the badge and refunded upon the return thereof.

## Badges.

SEC. 16. No boy to whom such a badge is issued shall transfer it to any other person, nor be engaged in any of the trades and occupations mentioned in section fifteen without having conspicuously on his person such badge, and he shall exhibit the same upon demand to any police officer, school attendance officer, or to any labor inspector or other person charged with the duty of enforcing the provisions of this act. A complete record of badges issued and refused, and of the facts relating thereto, shall be kept by the issuing officer. No boy engaged in any of the street trades mentioned in section fifteen shall work more than eight hours in any one day. Nothing herein contained shall be construed to permit the violation of a curfew ordinance of any city or to prevent any boy twelve years of age or over from distributing newspapers, magazines or periodicals to regular subscribers at their residences or places of business, without securing such badge. All such

badges shall expire annually on the first day of January. The color of the badge shall be changed each year.

SEC. 17. Whoever employs, procures, or, having under his control, permits a child to be employed, or issues an employment certificate in violation of any of the provisions of this act, shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars nor more than twenty-five dollars for the first offense, not less than twenty-five dollars nor more than fifty dollars for the second offense, and not less than fifty dollars nor more than two hundred and fifty dollars for any subsequent offense, or in addition to such fine in the case of such subsequent offense, may be confined in jail not less than thirty days nor more than ninety days. Any employment contrary to the provisions of this act shall be *prima facie* evidence of guilt both as to employer and the person having control of the child.

SEC. 18. The commissioner of labor shall enforce the provisions of this act and shall have authority to appoint such inspectors and assistants as may be necessary to secure the enforcement of this act. He shall supervise the work of the attendance officers or other persons in each city and county authorized to enforce this act and shall make all necessary rules and regulations for carrying out the purposes of this act, and shall prescribe and supply to the proper officials blanks for employment certificates, badges for street trade, and such other forms as may be required for carrying out the provisions of this act.

[Section 19 repeals chapters 301, 1908; 339, 1914; 204, 1918; 390 and 507, 1920; and sections 1809 to 1816, inclusive, of the Code of 1919.]

Approved March 27, 1922.

Violations.

Enforcement.

#### CHAPTER 516.—*Vocational rehabilitation—State and Federal cooperation.*

[This act accepts the provisions of the Federal act of 1920, and designates the State board on vocational education, appointed to cooperate with the Federal agencies under the act of 1917, as the administrative agency in the work of industrial rehabilitation.]

30253°—23—Bull. 330—4



UNITED STATES.

ACTS OF 1921-2—67TH CONGRESS—SECOND SESSION.

No. 109.—*United States Board of Mediation and Conciliation—Abolition.*

SECTION 1. \* \* \* \* \*

The offices of Commissioner of Mediation and Conciliation and Assistant Commissioner of Mediation and Conciliation are abolished after December 31, 1921.

Approved December 15, 1921.

No. 121.—*Bankruptcy—Wages, etc., of employees.*

SECTION 1. Section 17 of an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended, \* \* \* is further amended so as to read as follows:

SEC. 17. A discharge in bankruptcy shall release a bankrupt from all of his provable debts, except such as (first) are due as a tax levied by the United States, the State, county, district, or municipality in which he resides; (second) are liabilities for obtaining property by false pretenses or false representations, or for willful and malicious injuries to the person or property of another, or for alimony due or to become due, or for maintenance or support of wife or child, or for seduction of an unmarried female, or for breach of promise of marriage accompanied by seduction, or for criminal conversation; (third) have not been duly scheduled in time for proof and allowance, with the name of the creditor, if known to the bankrupt, unless such creditor had notice of actual knowledge of the proceedings in bankruptcy; or (fourth) were created by his fraud, embezzlement, misappropriation, or defalcation while acting as an officer or in any fiduciary capacity; or (fifth) are for wages due to workmen, clerks, traveling or city salesmen, or servants, which have been earned within three months before the date of commencement of the proceedings in bankruptcy; or (sixth) are due for moneys of an employee received or retained by his employer to secure the faithful performance by such employee of the terms of a contract of employment.

Approved, January 7, 1922.

No. 183.—*Free public employment offices.*

SECTION 1. To enable the Secretary of Labor to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, to advance their opportunities for profitable employment by maintaining a national system of employment offices, and to coordinate the public employment offices throughout the country by furnishing and publishing information as to opportunities for employment and by maintaining a system for clearing labor between the several States, including personal services in the District of Columbia and elsewhere, and for their actual necessary traveling expenses while absent from their official station, together with their per diem in lieu of subsistence, when allowed pursuant to section 13 of the Sundry Civil Appropriation Act approved August 1, 1914; supplies and equipment, telegraph and telephone service, and printing and binding, \$225,000 [is appropriated].

Approved, March 28, 1922.

Purpose.

Appropriation.

No. 259.—*Army appropriation act—Wages of civilian employees—Use of domestic products—Stop watch—Bonus system.*

\* \* \* \* \*

Wage rate. No part of the moneys appropriated in this act shall be used for paying to any civilian employee of the United States Government an average daily wage or salary larger than that customarily paid by private individuals for corresponding work in the same locality.

Domestic material. All material purchased under the provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases abroad, which material shall be admitted free of duty.

\* \* \* \* \*

Time studies. No part of the appropriation made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriation made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

Approved, June 30, 1922.

No. 260.—*Department of Labor—Second Assistant Secretary.*

SECTION 1. There shall be in the Department of Labor an additional Secretary, who shall be known and designated as Second Assistant Secretary of Labor. He shall be appointed by the President and shall receive a salary of \$5,000 a year. He shall perform such duties as shall be prescribed by the Secretary of Labor, or required by law, and in case of the death, resignation, absence, or sickness of the Assistant Secretary, shall, until a successor is appointed or such absence or sickness shall cease, perform the duties devolving upon the Assistant Secretary by reason of section 177, Revised Statutes, unless otherwise directed by the President, as provided by section 179, Revised Statutes.

Approved, June 30, 1922.

No. 264.—*Navy appropriation act—Stop watch—Bonus.*

[The provisions of this act are similar to those in No. 259, above, on the same subjects.]

No. 347.—*Coal commission—Conditions of employment, production, etc.*

SECTION 1. For the purpose of securing information in connection with questions relative to interstate commerce in coal and all questions and problems arising out of and connected with the coal industry, there is hereby established a governmental agency to be known and designated as the United States Coal Commission, to be composed of not more than seven members appointed by the President of the United States, by and with the advice and consent of the Senate. No member of the United States Senate or of the House of Representatives shall be eligible to serve on said commission. Said commission shall elect a chairman by majority vote of its members, shall maintain central offices in the District of Columbia, but may, whenever it deems it necessary, meet at such other places as it may determine. A member of the commission may be removed by the President for neglect of duty or malfeasance in office but for no other cause. Each member of said commission shall receive a salary of \$7,500 a year. Any vacancy on the commission shall be filled in the same manner as the original appointment. Said commission shall cease to exist one year after the taking effect of this act.

Commission established.

Term.

Definitions.

The term "person" as used in this act means any individual, partnership, corporation, or association; the term "coal" means anthracite, bituminous, and other coal, lignite, coke, and culm, whether in place extracted, or banked.

Duties.

It shall be the duty of said commission to investigate and ascertain fully the facts and conditions and study the problems and questions relative to the coal industry with a view to and for the purpose of aiding, assisting, and advising Congress in matters of legislation which will insure a supply of this commodity to the industries and the people generally throughout the country and maintain the uninterrupted flow of commerce among the States, or any legislation which Congress may, after said investigation, deem wise and which, under the Constitution, Congress has the power to enact.

Report.

To this end said commission shall ascertain and report to the President and Congress. As to the ownership and titles of the mines; prices of coal; the organizations and persons connected with the coal industry; cost of production; profits realized by the operators or owners of said mines during the last ten years; profits of other persons or corporations having to do with production, distribution, or sale of coal; labor costs; wages paid; wage contracts; irregular production; waste of coal; and suggestions as to the remedy for the same; the conditions generally under which coal is produced; distribution; the causes which from time to time induce strikes, thereby depriving interstate carriers of their fuel supply and otherwise interrupting the flow of interstate commerce; and all facts, circumstances, or conditions which would be deemed helpful in determining and establishing a wise and efficient policy by the Government relative to said industry.

Anthracite industry.

Said commission shall, under the provisions of this act, make a separate investigation and report for the anthracite industry, which investigation and report shall cover all of the matters specified in the last preceding paragraph, and shall cover also every other phase of the anthracite industry, including the production, transportation, and distribution of anthracite, and the organized or other relationships, if any, among the mine operators or the mine workers, or among any persons engaged in the production, transportation, or distribution of coal.

Recommendations.

Said commission shall also submit recommendations relative to:

(a) Standardizing the mines upon the basis of their economic productive capacity and regarding the closing down of mines which, by reason of their natural limitations, or other conditions, fall below the standard.

(b) Ascertaining and standardizing the cost of living for mine workers and the living conditions which must be supplied or afforded in order to surround the workmen with reasonable comforts, and standardizing also as far as practicable the amount of work a man shall perform for a reasonable wage, recognizing the value and effect of such surroundings in respect of their efficiency.

(c) Standardizing a basis of arriving at the overhead cost of producing and distributing the coal, including delivery at the door of the consumer, recognizing in this compilation that the standardized cost of living to the miners should be the first and irreducible item of expense.

(d) The advisability of any legislation having to do with government or private ownership, regulation or control in the coal industry.

Time for report.

Said commission shall render its first report and recommendations to the Congress and to the President not later than January 15, 1923. Said commission shall render its separate report on the anthracite industry on or before July 1, 1923, and shall endeavor, in said separate report and in the recommendations contained therein, regarding wages in the anthracite industry, to take into consideration the conditions obtaining up to the time when said report is made.

That any officer or employee of the commission who shall make public any information obtained by the commission without its authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

Disclosures.

## Powers, etc.

That any member of said commission shall have power to administer oaths, to subpoena and examine witnesses, and to compel the production of any book, paper, document, or other evidence, from any place in the United States, at any designated place of hearing, and to take or authorize the taking of the deposition of any person before any person having power to administer oaths. In the case of a deposition the testimony shall be reduced to writing by the person taking the deposition or under his direction and be subscribed to by the deponent. The same fees and mileage as are paid in the courts of the United States shall be paid in the case of witnesses subpoenaed or depositions taken under this act.

Testimony  
be given.

to No person shall be excused from so attending and testifying and depositing, or from so producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, may tend to incriminate him or subject him to a penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpoena and under oath, he may be compelled to testify or produce in evidence; except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

Any member of the commission, officer, or employee thereof, duly authorized in writing by the commission, shall, at all reasonable times for the purpose of examination, have access to and the right to copy any book, account, record, paper, or correspondence relating to any matter which the commission is authorized by this act to investigate.

Duty of officers,  
etc. Every officer or employee of the United States whenever requested by the commission shall supply it with any data or information pertaining to any investigation by the commission which may be contained in the records of the office of such officer or employee.

Refusal to tes-  
tify.

Any person who shall willfully neglect or refuse to attend and testify or depose, or to produce or permit access to any book, account, record, document, correspondence, or paper, as herein provided for, shall be guilty of an offense and upon conviction thereof be punished by a fine of not more than \$5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

## Expenses.

The commission may appoint and remove such officers, employees, and agents; and make such expenditures for rent, printing, telegrams, telephone, law books, books of reference, periodicals, furniture, stationery, office equipment, and other supplies and expenses, including salaries, traveling expenses of its members, secretary, officers, employees, and agents, and witness fees, as are necessary for the efficient execution of the functions vested in the commission by this act and as may be provided for by Congress from time to time, and make such rules and regulations as may be necessary for the efficient administration of this act. All of the expenditures of the commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman of the commission. No salary or compensation of any employee shall exceed \$7,500 per year.

Appropriation. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$200,000, or so much thereof as may be necessary, to be available until expended, for carrying out the provisions of this act.

Approved, September 22, 1922.

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